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**EXHIBIT 59.**

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,

12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;  
19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.

23 /  
24  
25  
26 DEPOSITION OF KIM LEE BABKA

27 DATE: March 7, 2008

28 TIME: 10:03 a.m.

29 LOCATION: Greenberg Traurig  
30 1900 University Avenue  
31 Fifth Floor  
32 East Palo Alto, California

33 REPORTED BY: Mary E. Garland  
34 Certified Shorthand Reporter  
35 License Number 4721

Page 1

<p>1 are entitled to a 15-minute paid break."</p> <p>2 Did you ever have any discussions or hear any</p> <p>3 discussions relating to any kind of a modification of</p> <p>4 rest break schedules for California employees?</p> <p>5 A. No.</p> <p>6 Q. Prior to the rollout of the 2007 handbook, was</p> <p>7 it Polo's policy in California to provide a rest break</p> <p>8 to any employee who worked more than two hours?</p> <p>9 A. I don't recall that being a policy.</p> <p>10 Q. Would you take a look at page POLO 1537,</p> <p>11 please.</p> <p>12 A. You know, I can't read what that is. So can</p> <p>13 you tell me what page number?</p> <p>14 MR. GOINES: Yes, the Bates are somewhat cut</p> <p>15 off on that document.</p> <p>16 Q. BY MR. KITCHIN: Page 36.</p> <p>17 A. Oh, I'm sorry. Here it is.</p> <p>18 Q. Great. "Internal Security Policies and Rules"?</p> <p>19 A. Yes.</p> <p>20 Q. In this section, on the next page, which is</p> <p>21 page 37 of the manual, or 1538, there's a column that is</p> <p>22 entitled "General Security."</p> <p>23 A. Yes.</p> <p>24 Q. The third bullet point reads:</p> <p>25 "Bag checks must be performed anytime an</p> <p style="text-align: right;">Page 122</p>	<p>1 clocks out, then goes and gets whatever personal items</p> <p>2 they are going to take home, then finds a manager, and</p> <p>3 then leaves the store?</p> <p>4 A. It could be either way you described. It could</p> <p>5 also be that they grab their items, they clock out, they</p> <p>6 go to the door, the manager clocks them out. So it</p> <p>7 could be a variation of that.</p> <p>8 Q. Have you ever heard any complaints, at any</p> <p>9 point in time that you've served as regional or district</p> <p>10 manager or director, that employees are having to wait</p> <p>11 for what they believe is an unreasonable period of time</p> <p>12 between the time they clock out and the time a manager</p> <p>13 is available to do a bag inspection?</p> <p>14 A. I never heard such a complaint.</p> <p>15 Q. Did you ever hear any managers of any of the</p> <p>16 stores under your jurisdiction complain that because of</p> <p>17 staffing issues, people were having to wait for some</p> <p>18 period of time between clock-out and bag inspection?</p> <p>19 A. No.</p> <p>20 Q. Did you ever have a discussion with Tin Hua in</p> <p>21 which he passed on complaints that sales associates were</p> <p>22 having to wait after they'd clocked out for their bag</p> <p>23 checks?</p> <p>24 A. I never heard that.</p> <p>25 Q. Did you ever have any discussions with any of</p> <p style="text-align: right;">Page 124</p>
<p>1 employee leaves the store. Each employee must</p> <p>2 inform a manager that he or she is about to</p> <p>3 leave the store with a bag, box, or any other</p> <p>4 item used to carry merchandise. When the</p> <p>5 manager arrives, the employee should then punch</p> <p>6 out for lunch or end of shift and proceed to</p> <p>7 have all bags inspected by the manager before</p> <p>8 exiting the store."</p> <p>9 To your knowledge, is this procedure being</p> <p>10 followed in all of the stores over which you have some</p> <p>11 responsibilities at this time?</p> <p>12 A. No.</p> <p>13 Q. It is not?</p> <p>14 A. No. I can't say it's consistent. I would say</p> <p>15 typically the employee grabs their -- whatever, their</p> <p>16 bag, and sometimes even calls a manager ahead and says</p> <p>17 they'd like to go to lunch; and the manager goes down,</p> <p>18 and they punch out, and they go. That's typically how.</p> <p>19 Q. At the end of a shift, when the store is closed</p> <p>20 to the public and an employee is ready to leave the</p> <p>21 store for the day, are employees today required to find</p> <p>22 a manager to do a bag inspection or a loss prevention</p> <p>23 inspection before they clock out?</p> <p>24 A. No.</p> <p>25 Q. Is it typically the procedure that the employee</p> <p style="text-align: right;">Page 123</p>	<p>1 the department managers in the San Francisco store about</p> <p>2 wait times for loss prevention inspections?</p> <p>3 A. Discussions about -- can you be a little more</p> <p>4 specific?</p> <p>5 Q. Yes. Did you ever talk with any manager in the</p> <p>6 San Francisco store about the wait times that were</p> <p>7 involved in performing loss prevention inspections?</p> <p>8 A. I never talked about wait times, but did</p> <p>9 discuss the urgency in having bag inspections at the end</p> <p>10 of the day at that back door. I don't know if that's</p> <p>11 answering. I'm not sure of your question exactly.</p> <p>12 Q. Based on your observations in all of these</p> <p>13 stores in your jurisdiction, what do you think the</p> <p>14 longest -- or what observation have you made as to the</p> <p>15 longest time a sales associate has had to wait between</p> <p>16 clocking out at the end of their shift and being</p> <p>17 released from the store after a bag inspection?</p> <p>18 A. After a bag inspection?</p> <p>19 Q. From the time of clocking out to walking out</p> <p>20 the door after having their bags inspected.</p> <p>21 A. Oh, after a bag inspection? Seconds.</p> <p>22 Q. Let me rephrase it. Have you ever had personal</p> <p>23 observations of someone who clocked out at the end of</p> <p>24 the shift and then went through a bag inspection to go</p> <p>25 home? Let me try this once again.</p> <p style="text-align: right;">Page 125</p>

## 1 CERTIFICATION OF DEPOSITION OFFICER

2  
3 I, MARY E. GARLAND, duly authorized to administer  
4 oaths pursuant to Section 2093(b) of the California Code  
5 of Civil Procedure, do hereby certify that the witness  
6 in the foregoing deposition was duly sworn by me to  
7 testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of said witness was  
11 thereafter transcribed by means of computer-aided  
12 transcription under my direction; that the foregoing is

13 a full, complete and true record of said testimony; and  
14 that the witness was given an opportunity to read and  
15 correct said deposition and to subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Executed March 19, 2008, at San Francisco,  
22 California.

23  
24   
25 MARY E. GARLAND, CSR 4721

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EXHIBIT 60.

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,  
12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;  
19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.  
23 /

24 DEPOSITION OF KIM LEE BABKA  
25

26 DATE: March 7, 2008  
27 TIME: 10:03 a.m.  
28 LOCATION: Greenberg Traurig  
29 1900 University Avenue  
30 Fifth Floor  
31 East Palo Alto, California  
32 REPORTED BY: Mary E. Garland  
33 Certified Shorthand Reporter  
34 License Number 4721  
35

Page 1

1 are entitled to a 15-minute paid break."

2 Did you ever have any discussions or hear any  
3 discussions relating to any kind of a modification of  
4 rest break schedules for California employees?

5 A. No.

6 Q. Prior to the rollout of the 2007 handbook, was  
7 it Polo's policy in California to provide a rest break  
8 to any employee who worked more than two hours?

9 A. I don't recall that being a policy.

10 Q. Would you take a look at page POLO 1537,  
11 please.

12 A. You know, I can't read what that is. So can  
13 you tell me what page number?

14 MR. GOINES: Yes, the Bates are somewhat cut  
15 off on that document.

16 Q. BY MR. KITCHIN: Page 36.

17 A. Oh, I'm sorry. Here it is.

18 Q. Great. "Internal Security Policies and Rules"?

19 A. Yes.

20 Q. In this section, on the next page, which is  
21 page 37 of the manual, or 1538, there's a column that is  
22 entitled "General Security."

23 A. Yes.

24 Q. The third bullet point reads:

25 "Bag checks must be performed anytime an

Page 122

1 clocks out, then goes and gets whatever personal items  
2 they are going to take home, then finds a manager, and  
3 then leaves the store?

4 A. It could be either way you described. It could  
5 also be that they grab their items, they clock out, they  
6 go to the door, the manager clocks them out. So it  
7 could be a variation of that.

8 Q. Have you ever heard any complaints, at any  
9 point in time that you've served as regional or district  
10 manager or director, that employees are having to wait  
11 for what they believe is an unreasonable period of time  
12 between the time they clock out and the time a manager  
13 is available to do a bag inspection?

14 A. I never heard such a complaint.

15 Q. Did you ever hear any managers of any of the  
16 stores under your jurisdiction complain that because of  
17 staffing issues, people were having to wait for some  
18 period of time between clock-out and bag inspection?

19 A. No.

20 Q. Did you ever have a discussion with Tin Hua in  
21 which he passed on complaints that sales associates were  
22 having to wait after they'd clocked out for their bag  
23 checks?

24 A. I never heard that.

25 Q. Did you ever have any discussions with any of

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1 employee leaves the store. Each employee must  
2 inform a manager that he or she is about to  
3 leave the store with a bag, box, or any other  
4 item used to carry merchandise. When the  
5 manager arrives, the employee should then punch  
6 out for lunch or end of shift and proceed to  
7 have all bags inspected by the manager before  
8 exiting the store."

9 To your knowledge, is this procedure being  
10 followed in all of the stores over which you have some  
11 responsibilities at this time?

12 A. No.

13 Q. It is not?

14 A. No. I can't say it's consistent. I would say  
15 typically the employee grabs their -- whatever, their  
16 bag, and sometimes even calls a manager ahead and says  
17 they'd like to go to lunch; and the manager goes down,  
18 and they punch out, and they go. That's typically how.

19 Q. At the end of a shift, when the store is closed  
20 to the public and an employee is ready to leave the  
21 store for the day, are employees today required to find  
22 a manager to do a bag inspection or a loss prevention  
23 inspection before they clock out?

24 A. No.

25 Q. Is it typically the procedure that the employee

Page 123

1 the department managers in the San Francisco store about  
2 wait times for loss prevention inspections?

3 A. Discussions about -- can you be a little more  
4 specific?

5 Q. Yes. Did you ever talk with any manager in the  
6 San Francisco store about the wait times that were  
7 involved in performing loss prevention inspections?

8 A. I never talked about wait times, but did  
9 discuss the urgency in having bag inspections at the end  
10 of the day at that back door. I don't know if that's  
11 answering. I'm not sure of your question exactly.

12 Q. Based on your observations in all of these  
13 stores in your jurisdiction, what do you think the  
14 longest -- or what observation have you made as to the  
15 longest time a sales associate has had to wait between  
16 clocking out at the end of their shift and being  
17 released from the store after a bag inspection?

18 A. After a bag inspection?

19 Q. From the time of clocking out to walking out  
20 the door after having their bags inspected.

21 A. Oh, after a bag inspection? Seconds.

22 Q. Let me rephrase it. Have you ever had personal  
23 observations of someone who clocked out at the end of  
24 the shift and then went through a bag inspection to go  
25 home? Let me try this once again.

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1 CERTIFICATION OF DEPOSITION OFFICER  
2

3 I, MARY E. GARLAND, duly authorized to administer  
4 oaths pursuant to Section 2093(b) of the California Code  
5 of Civil Procedure, do hereby certify that the witness  
6 in the foregoing deposition was duly sworn by me to  
7 testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of said witness was  
11 thereafter transcribed by means of computer-aided  
12 transcription under my direction; that the foregoing is

13 a full, complete and true record of said testimony; and  
14 that the witness was given an opportunity to read and  
15 correct said deposition and to subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Executed March 19, 2008, at San Francisco,  
22 California.

23   
24 MARY E. GARLAND, CSR 4721  
25



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EXHIBIT 61.

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual;  
6 JANIS KEEFE, an individual;  
7 CORINNE PHIPPS, an individual;  
8 and JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,

Case No. c-07-02780-SI

12 and

13 POLO RALPH LAUREN CORPORATION,  
14 a Delaware corporation; POLO  
15 RETAIL, LLC, a Delaware corporation;  
16 POLO RALPH LAUREN CORPORATION, a

17 Delaware corporation, doing  
18 business in California as POLO  
19 RETAIL CORP; FASHIONS OUTLET OF  
20 AMERICA, INC., a Delaware  
21 corporation; and DOES 1-500,  
22 inclusive,

23 Defendants.  
24  
25

26 DEPOSITION OF THERESA CRUZ

27 DATE: August 20, 2007

28 TIME: 10:00 a.m.

29 LOCATION: LAW OFFICE OF PATRICK R. KITCHIN  
30 565 Commercial Street  
31 Fourth Floor  
32 San Francisco, California 94111

33 REPORTED BY: Katy Leonard  
34 Certified Shorthand Reporter  
35 License Number 11599

Page 1

**Golden Gate Reporting**

<p>1 was more of a floor coverage -- that making sure that no  2 two people in that department will go at the same time  3 for their 15-minute break or the lunch break.  4 Q. And has that -- were those conversations  5 taking place since this policy manual was put out, or  6 are those conversations that you've had over the course  7 of a longer period of time?  8 A. It's a longer period of time.  9 Q. With respect to meal breaks -- I'm sorry.  10 With respect to the 15-minute rest breaks,  11 have you ever heard any complaint by any employees that  12 they have not been permitted to take their 15-minute  13 rest breaks?  14 A. No.  15 Q. Have you ever heard any managers complain  16 that their associates are just not taking their  17 15-minute rest breaks, even though they're being offered  18 that time?  19 A. No.  20 Q. If you turn to the next page, 1525, there's  21 a reference under "Sample Break Chart." It refers to  22 the very bottom of the page:  23 "Employees in CA -- in California who  24 work more than two hours are entitled to  25 a 15-minute paid break."</p>	<p>1 Polo 1532?  2 A. Yes.  3 Q. And do you -- do you actually read each of  4 these items to the employee?  5 A. No.  6 Q. Do you -- how do you go over these different  7 prohibitive behavior items?  8 A. I ask them if they have any questions, and  9 if they have any questions, that's the time we discuss  10 this problem.  11 Q. I'm going to have you look at page 1538.  12 A. Okay.  13 Q. Top of the right-hand column says, "General  14 Security." The second bullet point reads, quote:  15 Bag checks must be performed any time  16 the employee leaves the store.  17 That's been a policy since you've started  18 there; correct?  19 A. Yes.  20 Q. Next sentence reads, quote:  21 Each employee must inform a manager that  22 he or she is about to leave the store  23 with a bag, box, or any other item used  24 to carry merchandise, closed quote.  25 Now, that's been a policy in the store since</p>
Page 218	Page 220
<p>1 Was that a policy change that occurred in  2 conjunction with the rollout of this April, 2007  3 handbook?  4 A. Say that again.  5 Q. Yeah. Page 1525 says that California  6 employees who work more than two hours are entitled to a  7 15-minute break. It says it right at the very bottom in  8 tiny print.  9 A. Yes.  10 This one. (Indicating)  11 MR. GOINES: (Indicating)  12 BY MR. KITCHIN:  13 Q. Do you see that?  14 A. Yes.  15 Q. Okay. Was that, if you know, a new policy  16 that was rolled out in 2007 that hadn't been used as a  17 policy before then?  18 A. I don't recall.  19 Q. Okay. Um, I'm going to have you turn to  20 page 1532 of the manual.  21 Since this manual was rolled out, have you  22 hired any new sales associates?  23 A. Um, yes.  24 Q. Have you gone over the Employee Conduct and  25 Responsibility Section of this manual that's found at</p>	<p>1 you started working there; right?  2 A. Yes.  3 Q. And not only must an employee notify a  4 manager if they're leaving with a box or bag, even if  5 they're leaving with nothing but their clothes, they  6 still need to inform a manager; correct?  7 A. Yes.  8 Q. The next sentence reads, quote:  9 When the manager arrives, the employee  10 should then punch out for lunch or end  11 of shift and proceed to have all bags  12 inspected by the manager before exiting  13 the store.  14 Is this the first time, in your knowledge,  15 that Polo has had a specific policy that states that the  16 employee is not to punch out for lunch or the end of a  17 shift until they have secured the assistance of a  18 manager to do a bag inspection?  19 A. I -- I cannot recall on this one.  20 Q. Okay. Do you recall at any time when you  21 worked at Polo where a written document was provided to  22 sales associates that said, You must find a manager to  23 help you do the bag inspection before you punch out?  24 A. I don't recall.  25 Q. Okay. Do you recall ever hearing any</p>
Page 219	Page 221

56 (Pages 218 to 221)

**Golden Gate Reporting**

1 manager tell any associate that before you punch out for  
2 lunch or at the end of a shift, you must first find a  
3 manager to make sure that that manager can let you out  
4 of the door?

5 A. Yes.

6 Q. You've heard that someone said that you must  
7 find a manager before you punch out?

8 A. I'm sorry. No, no.

9 Q. Okay. So, you've never heard any manager  
10 tell an employee prior -- well, before this policy was  
11 rolled out, you never heard a manager tell an employee  
12 that they must find a manager to help them get out of  
13 the store before they punch out?

14 A. No.

15 Q. I'm going to have you turn to page 1556  
16 under the section in the left column, "How You Are  
17 Paid."

18 When you had the meeting to discuss with  
19 other managers the rollout of this new policy manual,  
20 was one of the items on the outline you told me you  
21 saw -- did it refer to overtime compensation for  
22 employees?

23 A. There are no overtime for compensation  
24 employees.

25 Q. My question is, When you had the meeting to

1 A. I can't remember.

2 Q. Do you remember if there was any reference  
3 on the outline to a policy change that referred to  
4 overtime compensation?

5 A. I don't remember.

6 Q. Do you remember any discussion during any  
7 meeting or meetings that this new policy manual was  
8 discussed, where anyone discussed whether employees, and  
9 specifically sales associates, have the right to receive  
10 overtime compensation -- premium overtime compensation?

11 A. No.

12 Q. Are any employees currently receiving any  
13 premium overtime compensation?

14 A. No.

15 Q. Do you know if anyone at Polo, whether in  
16 your store, the corporate office, is performing any kind  
17 of an analysis of the sales records of specific sales  
18 associates to determine whether they are entitled to  
19 receive premium overtime compensation?

20 A. No.

21 Q. Have you heard --

22 MR. GOINES: Excuse me one second.

23 (Off-the-record discussion.)

24 MR. KIM: And let the record reflect that

25 defense counsel has just communicated with and advised

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1 discuss the rollout of this new manual -- there was  
2 meeting held; correct?

3 A. I didn't roll out this new manual.

4 Q. No, no. This new manual was put into effect  
5 sometime this year, 2007; correct?

6 A. Yes.

7 Q. And there was a meeting held with managers  
8 to discuss the new policies; correct?

9 A. Yes.

10 Q. And one of the things you received during  
11 that meeting was an outline showing you these are the  
12 policies that have been modified in some way; correct?

13 A. I do not recall. I cannot remember  
14 everything that's outlined there.

15 Q. Right. But there was an outline that you  
16 were provided.

17 MR. GOINES: No. She said -- go on.

18 MR. KITCHIN: Let me make sure we're on the same  
19 page.

20 BY MR. GOINES:

21 Q. You received some kind of an outline showing  
22 these are some policy changes?

23 A. Yes.

24 Q. You don't remember exactly which policy  
25 changes were discussed in the outline; correct?

Page 223

1 the deponent.

2 MR. GOINES: You can say whatever you want to  
3 say and I can say whatever I want to say, but I didn't  
4 advise her. I asked her a question, and it's  
5 privileged. So, I don't appreciate your gratuitous  
6 statements that have no meaning and no effect. I can  
7 talk to our client whenever I want to.

8 MR. KIM: Okay. I'm going to actually  
9 apologize. I said "advise." That was inappropriate,  
10 because I don't know exactly what happened.

11 I just want to put on the record that after  
12 that question was posed, defense counsel had a  
13 communication with the deponent. It's my right to make  
14 the record reflect that. And when I said something  
15 further, I was overreaching and I apologize for that.

16 MR. GOINES: The witness needs to correct a  
17 statement that she made in response to a prior question.  
18 She said that no employees in Polo San Francisco get  
19 overtime compensation. That's not correct, and I'll  
20 allow her to correct the record.

21 THE WITNESS: My shipping people, my alterations  
22 department, receives overtime time and a half in excess  
23 of eight hours.

24 MR. KITCHIN: I see.

25 THE WITNESS: Yes.

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57 (Pages 222 to 225)

**Golden Gate Reporting**


## 1 CERTIFICATION OF DEPOSITION OFFICER

2  
3 I, KATY LEONARD, duly authorized to  
4 administer oaths pursuant to Section 2093(b) of the  
5 California Code of Civil Procedure, hereby certify that  
6 the witness in the foregoing deposition was by me sworn  
7 to testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of the said witness was  
11 thereafter transcribed by means of computer-aided  
12 transcription; that the foregoing is a full, complete

13 and true record of said testimony; and that the witness  
14 was given an opportunity to read and correct said  
15 deposition and to subscribe the same.

16 I further certify that I am not of counsel  
17 or attorney for either or any of the parties in the  
18 foregoing deposition and caption named, or in any way  
19 interested in the outcome of this cause named in said  
20 caption.

21  
22  
23  
24  
25



KATY LEONARD, CSR 11599

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EXHIBIT 62.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANN OTSUKA, et al.,  
Plaintiff,

**CERTIFIED COPY**

-VS-

No. C07-02780 BZ

POLO RALPH LAUREN  
CORPORATION, a Delaware  
corporation, et al.

Defendants.  
\_\_\_\_\_ /

Videotaped Deposition of  
CORINNE PHIPPS  
Tuesday, June 12, 2007

Reported by:  
KACY PARKER BARAJAS, RPR, CRR  
CSR No. 10915  
Job No. 15854LR



**PHILLIPS LEGAL SERVICES**

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ONE SUTTER STREET, SUITE 700  
SAN FRANCISCO, CA 94104  
1-888-333-8270  
WWW.PHILLIPSDEPO.COM



1 whatever he did was -- you know, was gold.

10:43:28 2 MR. FEDER: Could we take a short break just to use  
3 the restroom.

4 MR. GOINES: Yeah. Sure. No problem.

5 THE VIDEOGRAPHER: This marks the end of tape  
6 number one in the deposition of Corinne Phipps. Going off  
10:43:38 7 the record, the time is 10:43 a.m.

10:55:44 8 (Brief recess taken.)

9 THE VIDEOGRAPHER: Back on the record. Here marks  
10 the beginning of tape number two in the deposition of  
11 Corinne Phipps. The time is 10:55 a.m.

10:55:56 12 Q. BY MR. GOINES: All righty. Ms. Phipps, in

13 response to an earlier question, you indicated that one of  
14 the other issues that impacted your decision to resign  
15 was -- my shorthand notes say, waiting to check out?

16 A. Uh-huh.

17 Q. Can you tell me what you meant by that and how it  
18 impacted -- I know I shouldn't ask you two or three  
19 questions at a time, but I'm going to try -- how it impacted  
20 your decision to resign?

21 A. Well, I stated earlier I was engaged at this time,  
10:56:30 22 and I would have wedding appointments or, I don't know,  
23 engagement appointments to go talk to bridal people. There  
24 was an appointment we had at the Omni Hotel for -- to check  
25 out the site to see if we wanted to have our wedding there.

1 And also my fiance lived in Mountain View, so I would have  
2 to -- I had appointments to get to the train. It wasn't my  
3 appointment. It was Caltrans appointment. So the train was  
10:56:57 4 actually leaving the station. And on numerous occasions I  
5 missed appointments. I missed the train. I -- just beyond  
6 frustrated that when you're -- when I clocked out, I would  
7 have to wait at the back door for a manager to come look  
8 through my things and then unkey the door and let me out.

9 Q. Okay. Let me see if I can just kind of delve into  
10:57:29 10 that a little bit.

11 A. Sure.

12 Q. At the time you became a Polo employee, did you

13 learn that one of the Polo practices was to check employees'  
14 bags and personal effects, if you will, as they were  
15 departing the store either for a lunch break or at the end  
16 of their work shift?

17 A. Yes. I did know that.

18 Q. And was this something that was explained to you in  
19 the hiring process?

20 A. Yeah.

10:57:59 21 Q. And was -- were those discussions with Tin?

22 A. I don't recall who they were with, but I know I was  
23 briefed on them.

24 Q. And if I can take you to when you were briefed on  
25 them, what were you told?

<p>1 register that you would be clocking out on, so you could 2 only clock out on one register computer -- computer and 3 register. It's the same. They're synonymous. 4 Q. I'm using those as synonyms as well. 5 A. Okay. Great. So then I would go back to her 6 computer and clock out. That would generally be -- well, 7 we're talking about clocking out. Yeah. So that would 8 generally be when the store had already been closed and the 9 doors were locked, and there were no more customers in the 10 store. 11 Q. And then you would go to the back. Was there only 12 one exit where employees such as yourself could depart at 13 the end of your shift? 14 A. Yeah, yes. 15 Q. And that was at the rear of the store? 16 A. I don't know if it was at the rear. It's not at 17 the rear of the store. It's more like in the basement of 18 the store. 19 Q. And if someone was there, they would go take a look 20 at your bag and good evening, see you tomorrow? 21 A. Relatively, yeah. They would look in your bag, 22 make sure you didn't have anything that was not -- you know, 23 they would make sure that there were no Polo property in 24 your purse that didn't have a receipt for it. They would 25 put a key in the door or in the wall. I think it was in the</p>	<p>1 this? 2 Q. Right. 3 A. No. It's all mental. 4 Q. Okay. So bearing on your recollection of how -- 5 what I'm trying to find is a quantification of the number of 6 days where you had to wait longer than a moment or two and 7 then -- well, let me stop there. 8 A. Sure. 9 Q. Okay. How many -- can you quantify the number of 10 occasions where you had to wait for a manager to be 11 contacted to arrive at the exit door and be checked out? 12 A. Now we're only talking about checking out at night; 13 is that correct? 14 Q. Yes, ma'am, yes. 15 A. That's it? 16 Q. Yeah. 17 A. I would probably say to my best recollection 18 probably three times a week out of five. 19 Q. Okay. 20 A. That I would have to wait any -- in an upwards of a 21 half an hour. 22 Q. And when you say three times a week wait upwards to 23 a half an hour, was it always a half hour? Was it sometimes 24 five minutes? I'm trying to get some recollection of how 25 long this would take.</p>
Page 61	Page 63
<p>1 wall. Maybe it was in the door. I don't remember. And 2 then they would let you out so the alarm wouldn't go off. 3 Q. And then you indicated there were -- I don't want 4 to put words in your mouth, nor do I want to mischaracterize 5 what you said, but there were occasions where you had to 6 call for a manager to allow you to be -- to allow the loss 7 prevention search to take place and then depart? 8 A. Correct. 9 Q. Okay. And I think you indicated kind of putting 10 two and two together that on occasion, I don't want -- I 11 want you to quantify it if you can. 12 A. Okay. 13 Q. I had to -- it took a long time to get a manager to 14 come, and I missed appointments, missed trains, and the 15 like, correct? 16 A. That is correct. 17 Q. Okay. So you worked at the company from the latter 18 part of June to the latter part of October. Are you able to 19 tell me did you keep any record of the days where it was 20 longer than a moment or two for you to check out of the 21 store, a moment or two meaning a manager was there within 22 close proximity as opposed to when you specifically had to 23 call for a manager to come to the door to allow you to be 24 exited? 25 A. So you're asking if I have any written record of</p>	<p>1 A. It would take anywhere -- my best guess -- and this 2 is just wait time, not when a manager is standing right 3 there; is that correct? 4 Q. Right. 5 A. Anywhere probably from ten minutes to a half an 6 hour. 7 Q. And this would happen -- ten minutes to a half hour 8 would happen three times a week checking out? 9 A. Very regularly, yes. That's my definition of 10 happening regularly, at least three times a week checking 11 out. 12 Q. You seem to want to make sure we're talking about 13 checking out. Were there other occasions where you had to 14 wait to either check in or check out? 15 A. Oh, yeah. 16 Q. Okay. Explain those to me, please, so I can 17 inquire about those. 18 A. Okay. So when you had to check in at a certain -- 19 let's just say when you're starting your shift in the 20 morning, this is -- actually, whenever you're starting your 21 shift, now that I -- whenever you would start your shift, 22 you would have to ring the doorbell to be let in. And if 23 there was not a manager down in the area waiting or 24 listening to a bell or on their lunch break or what have 25 you, you would be waiting outside to come in to check in to</p>
Page 62	Page 64

16 (Pages 61 to 64)

## REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition,

CORINNE PHIPPS

was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of June, 2007.

KACY PARKER BARAJAS, RPR  
Certified Realtime Reporter  
State of California  
Certificate No. 10915

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PHILLIPS LEGAL SERVICES  
One Sutter Street, Suite 700  
San Francisco, California 94104  
(415) 601-4601

GREENBERG TRAURG  
WILLIAM J. GOINES, ESQ.  
1900 University Avenue, Fifth Floor  
San Francisco, CA 94303

Case Name: Ann Otsuka, et al. v. Polo Ralph Lauren  
Deposition of: Corinne Phipps  
Date Taken: June 12, 2007

Dear Mr. Goines:

We wish to inform you of the disposition of this original transcript. The following procedure is being taken by our office:

\_\_\_\_ The witness has read and signed the deposition. (See attached.)

\_\_\_\_ The witness has waived signature.

\_\_\_\_ The time for reading and signing has expired.

\_\_\_\_ The sealed original deposition is being forwarded to your office.

\_\_\_\_ Other:

Sincerely,

Phillips Legal Services  
Ref No. 15854LR

cc: Patrick R. Kitchin, Esq.

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PHILLIPS LEGAL SERVICES  
One Sutter Street, Suite 700  
San Francisco, California 94104  
(415) 601-4601

June 27, 2007

Corinne Phipps

c/o LAW OFFICE OF PATRICK R. KITCHIN

565 Commercial Street, Fourth Floor

San Francisco, CA 94111

Re: Deposition of Corinne Phipps

Case Name: Ann Otsuka, et al. v. Polo Ralph Lauren

Deposition Date: June 12, 2007

Dear Ms. Phipps:

Your deposition has been prepared and is ready for you to read, correct, and sign. The original will be held in our office for 35 days from the date of this letter.

If you are represented by an attorney, you may wish to discuss with your attorney the reading and signing of your deposition. If your attorney has purchased a copy of your deposition, you may review that copy. If you choose to read your attorney's copy, please fill out, sign, and submit to our office the DEPONENT'S CHANGE SHEET from the back of your deposition.

If you choose to read your deposition at our office, it will be available between 9:00 a.m. and 4:00 p.m. Please bring this letter as a reference.

If you do not wish to read your deposition, please sign below and return within 30 days of the date of this letter.

CORINNE PHIPPS DATE

Sincerely,

KACY PARKER BARAJAS, CSR No. 10915

Phillips Legal Services

Ref No. 15854LR

cc: William J. Goines, Esq.

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48 (Pages 189 to 191)

REPORTER'S CERTIFICATE


I certify that the witness in the foregoing deposition,

CORINNE PHIPPS

was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of June, 2007.

  
KACY PARKER BARAJAS, RPR  
Certified Realtime Reporter  
State of California  
Certificate No. 10915

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EXHIBIT 63.

---

ANN OTSUKA VS. POLO RALPH LAUREN CORP

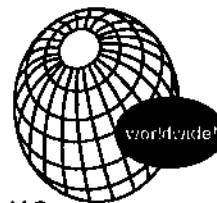
JUSTIN KISER - 12/4/07

---

CONCORDANCE AND CONDENSED TRANSCRIPT  
PREPARED BY:

*Ellen Grauer*  
**COURT REPORTING**

Co. LLC



TOWER 56, 126 EAST 56TH STREET, FIFTH FLOOR, NEW YORK, NEW YORK 10022

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## Page 261

- (1)
- (2) out of the week and the other two I'd open.
- (3) Q. What was opening shift hours?
- (4) A. 9:15 to 6.
- (5) Q. But I thought you said that even
- (6) when you only were scheduled to work to 6 you
- (7) still had --
- (8) A. Well, I'm just telling you the --
- (9) what the scheduled hours were. That wasn't
- (10) what my hours were.
- (11) Q. Okay. My question was did you
- (12) always work closing shift?
- (13) A. I always worked until closing
- (14) shift, like, after 7 p.m.
- (15) Q. So you always worked until after
- (16) the store closed and were responsible for the
- (17) end-of-day cleanup?
- (18) A. Yes.
- (19) Q. Always?
- (20) A. Always.
- (21) Q. How long did it take to walk from
- (22) the clock-out register to the exit door?
- (23) A. Three to four minutes.
- (24) Q. Did you ever miss an appointment
- (25) after work because you had to wait for the bag

## Page 262

- (1)
- (2) check to occur?
- (3) A. Yes.
- (4) Q. What appointment did you miss?
- (5) A. I missed an appointment with my
- (6) mother, an appointment with friends and I
- (7) believe it was either a dental or a doctor
- (8) appointment. I'm not sure exactly.
- (9) Q. How many times did you miss an
- (10) appointment with your mother?
- (11) A. Well, it happened once and she
- (12) goes, "I'm not waiting for you anymore. This
- (13) is ridiculous." She was going to pick me up
- (14) after work and she was just waiting. She
- (15) figured I'd get out at 7. I said, "Well, I get
- (16) off at 7, but I don't know what time I'm going
- (17) to get out." So, she got there at 7 and was,
- (18) like, "This is ridiculous." You know, kept
- (19) calling the store and then --
- (20) And then finally she refused to
- (21) pick me up anymore because she's, like, "I
- (22) don't know what time you're getting out of
- (23) there. How can they keep you this late?"
- (24) Q. So, the appointment was that your
- (25) mother was picking you up?

## Page 263

- (1)
- (2) A. She was picking me up and then one
- (3) time she was taking me to either a doctor or a
- (4) dentist. That's where we were supposed to go
- (5) to that night.
- (6) Q. So the mother and the doctor and
- (7) dentist was the same appointment?
- (8) A. Yes.
- (9) Q. And friends, how many appointments
- (10) with your friends did you miss because you had
- (11) to -- because of the bag check?
- (12) A. Numerous.
- (13) Q. Numerous appointments. Well,
- (14) didn't you by this point just tell them to meet
- (15) you somewhere where they wanted to be?
- (16) A. Well, why would I tell someone that
- (17) when I had scheduled hours?
- (18) Q. Well, because presumably after a
- (19) certain time you realized that you couldn't
- (20) predict what time you would be leaving.
- (21) A. After a while I would say, you
- (22) know, "I'll just meet you there," but towards
- (23) the beginning of my employment I figured I'd
- (24) get out at 7. But then as I saw it progress
- (25) and they're like, "No, you can't leave."

## Page 264

- (1)
- (2) You know, then I was like, "Let me
- (3) meet you there" or "I'll meet you at my house"
- (4) or -- but I missed quite a few appointments
- (5) before I knew how late on average I was going
- (6) to be getting out.
- (7) Q. And how many appointments did you
- (8) miss until you determined that?
- (9) A. I don't know an exact number.
- (10) Q. I mean, are we talking five or ten
- (11) or twenty or thirty?
- (12) A. Probably ten, eight to ten.
- (13) Q. Did you ever find the bag check
- (14) process to be humiliating?
- (15) A. A little bit, yes.
- (16) Q. Why?
- (17) A. Well, I just felt like they
- (18) weren't -- we had to keep our bags in a certain
- (19) area down by the door and then I felt like
- (20) they, you know, really weren't trusting us, you
- (21) know, and then we had -- we could keep certain
- (22) things in our lockers, but, you know --
- (23) I don't know, I just felt like why
- (24) do they need to go through all of my stuff.
- (25) They would even make me open my sunglass case,

C E R T I F I C A T E

STATE OF NEW YORK )

) ss.:

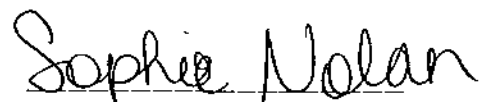
COUNTY OF NEW YORK )

I, SOPHIE NOLAN, a Notary Public  
within and for the State of New York, do  
hereby certify:

That JUSTIN KISER, the witness  
whose deposition is herein before set forth,  
was duly sworn by me and that such deposition  
is a true record of the testimony given by  
such witness.

I further certify that I am  
not related to any of the parties to this  
action by blood or marriage; and that I am in  
no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 17th day of December,  
2007.



SOPHIE NOLAN

---

EXHIBIT 64.

**Golden Gate Reporting**

1                   IN THE UNITED STATES DISTRICT COURT  
 2                   NORTHERN DISTRICT OF CALIFORNIA  
 3                   SAN FRANCISCO DIVISION  
 4

5   ANN OTSUKA, an individual;           )  
    JANIS KEEFE, an individual,        )  
 6   CORINNE PHIPPS, an                 )  
    individual; and RENEE DAVIS,        )  
 7   an individual; individually         )  
    and on behalf of all others         )  
 8   similarly situated,                 )  
                   Plaintiffs,                 )  
 9   )  
 10         -vs-                                 )   No. C-07-02780-SI  
 11   )  
 12   POLO RALPH LAUREN CORPORATION; )  
    a Delaware Corporation; POLO        )  
 13   RETAIL, LLC., a Delaware            )  
    Corporation, POLO RALPH LAUREN     )  
 14   CORPORATION, a Delaware             )  
    Corporation, doing business in     )  
 15   California as POLO RETAIL            )  
    CORP; FASHIONS OUTLET OF            )  
 16   AMERICA, INC., a Delaware            )  
    Corporation,                         )  
 17                   Defendants.                 )  
 18   )  
 19

20                   The deposition of HARVEY RESNICK, called  
 21   by the Plaintiffs for examination, pursuant to  
 22   subpoena and pursuant to the Federal Rules of  
 23   Civil Procedure for the United States District  
 24   Courts pertaining to the taking of depositions,  
   taken before Cynthia J. Conforti, Certified  
 25   Shorthand Reporter, at Suite 2500, 77 West Wacker  
   Drive, Chicago, Illinois, commencing at the hour  
   of 10:09 a.m. on the 23rd day of April, A.D.,  
   2008.

Page 1

**Golden Gate Reporting**

<p>1 Q. How often would that happen?</p> <p>2 A. It's hard to day. It depended on I think</p> <p>3 really the time of the year. I think at holiday</p> <p>4 time it was more frequent than others probably</p> <p>5 just because the volume of traffic through the</p> <p>6 store during the day required much more in the way</p> <p>7 of cleanup and preparation for the next day, and</p> <p>8 so some people would be finished, others were not,</p> <p>9 and those who were ready to go wanted to leave,</p> <p>10 and they would page or call looking for a manager.</p> <p>11 Managers such as myself, I was upstairs in</p> <p>12 my area, and the other manager if it women's or</p> <p>13 home furnishings, they were located downstairs</p> <p>14 closer to that exit, so it was always my hope that</p> <p>15 somebody from downstairs would let them out so I</p> <p>16 didn't have to go downstairs and back upstairs.</p> <p>17 Q. So on occasion you would hear a page or</p> <p>18 get a call saying "We're ready to go."</p> <p>19 A. Yeah.</p> <p>20 Q. And let's deal with when you heard a page.</p> <p>21 On occasion did you hear a page that sales</p> <p>22 associates were waiting at the employee exit in</p> <p>23 which you didn't respond to it hoping that a</p> <p>24 manager from downstairs would walk over and do the</p> <p>25 inspection?</p>	<p>1 A. Oh, I think sometimes they would say</p> <p>2 they'd been waiting 10, 15 minutes.</p> <p>3 Q. Did you ever go down to do a loss</p> <p>4 prevention inspection to find anyone sitting on</p> <p>5 the floor in the hallway?</p> <p>6 A. Yes.</p> <p>7 Q. How often did that occur?</p> <p>8 A. It was not unusual that there were groups</p> <p>9 of people waiting to leave. They'd be sitting on</p> <p>10 the floor there.</p> <p>11 Q. At the close of business was it the case</p> <p>12 that individuals from different departments, maybe</p> <p>13 even your department, left at different times and</p> <p>14 so required inspections to be performed?</p> <p>15 A. Yes, that's right.</p> <p>16 So as they would -- as each one would be</p> <p>17 ready to leave, they would want somebody to come</p> <p>18 to the door to do the inspection so that they</p> <p>19 could leave, which, since there was nobody</p> <p>20 assigned to that position, there was nobody -- not</p> <p>21 one manager was assigned to watch, you know, stay</p> <p>22 at the door and release everybody as they come</p> <p>23 through, then that's why it would occur that, you</p> <p>24 know, three or four, five people might be sitting</p> <p>25 there waiting to leave, waiting for a manager to</p>
<p style="text-align: right;">Page 42</p> <p>1 A. Yes.</p> <p>2 Q. Did you ever hear that any of the managers</p> <p>3 were particularly nonresponsive to pages or</p> <p>4 requests to have loss prevention inspections</p> <p>5 performed?</p> <p>6 A. Not specifically. Just in general</p> <p>7 sometimes it seemed that to the sales associates</p> <p>8 that they were waiting a long time, and they would</p> <p>9 become impatient.</p> <p>10 Q. Did any sales associates ever tell you</p> <p>11 that they believed they had waited a long time for</p> <p>12 the loss prevention inspection to occur?</p> <p>13 A. Yes.</p> <p>14 Q. Was that on a single occasion or a number</p> <p>15 of occasions?</p> <p>16 A. More than once.</p> <p>17 Q. Do you remember any specific individuals</p> <p>18 who told you that they had been waiting for what</p> <p>19 they thought was an unreasonable amount of time at</p> <p>20 the back door?</p> <p>21 A. Not specifically, no.</p> <p>22 Q. Do you recall in general or specifically</p> <p>23 how long a sales associate told you that they had</p> <p>24 been waiting to have a loss prevention inspection</p> <p>25 performed?</p> <p style="text-align: right;">Page 43</p>	<p style="text-align: right;">Page 44</p> <p>1 come, and for a manager it was a bit of a strain</p> <p>2 to go back and forth to your department to let one</p> <p>3 person out, go back, let another one out, go. It</p> <p>4 wasn't unusual for managers not to respond to the</p> <p>5 first call for someone to let them out.</p> <p>6 Q. Were there occasions where at the close of</p> <p>7 business you went down to the employee exit more</p> <p>8 than one time to let people out?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any recollection of kind of</p> <p>11 the length of time that you're aware of between</p> <p>12 the first person or group of people leaving at the</p> <p>13 close of business and the last people to finish up</p> <p>14 to be released and waiting for their loss</p> <p>15 prevention inspection?</p> <p>16 A. Well, sometimes the very first people to</p> <p>17 be finished would be from one of the departments</p> <p>18 in the lower level of the store. They might be</p> <p>19 done within 10 minutes of the store closing and be</p> <p>20 out and able to leave. A lot of times, very</p> <p>21 often, people in the men's area were still working</p> <p>22 another 30 minutes. Wouldn't be that unusual,</p> <p>23 especially again to have this little repetition</p> <p>24 for the holiday time.</p> <p>25 You know, a big portion of my six months</p> <p style="text-align: right;">Page 45</p>

12 (Pages 42 to 45)

**Golden Gate Reporting**

<p>1 search, either Tin or Theresa?</p> <p>2 A. Yes, they both did it from time to time.</p> <p>3 Q. What I'm trying to hone in on,</p> <p>4 Mr. Resnick, is you indicated that there were</p> <p>5 times that you would actually be summoned to the</p> <p>6 door through a page and found sales associates</p> <p>7 several sitting on the floor --</p> <p>8 A. That's correct.</p> <p>9 Q. -- in the hallway.</p> <p>10 A. That is correct.</p> <p>11 Q. And then one or some of them would say,</p> <p>12 "I've been waiting for 10 minutes" or "I've been</p> <p>13 waiting for 15 minutes. Thanks for coming down.</p> <p>14 I want to go home."</p> <p>15 What I'm trying to do is if you can</p> <p>16 quantify the number of times that you understood</p> <p>17 sales associates had been waiting more than a few</p> <p>18 minutes for someone to actually perform the loss</p> <p>19 prevention search and allow them to exit the</p> <p>20 store.</p> <p>21 A. I don't think I could put an exact number</p> <p>22 on it. Just to say that it was numerous times.</p> <p>23 It wasn't a rare occasion. It was a more common</p> <p>24 occurrence.</p> <p>25 Q. Would you put -- did it occur more than</p>	<p>1 Q. Okay. Other than people in Mr. Kitchen's</p> <p>2 office with whom have you discussed this lawsuit?</p> <p>3 A. No one.</p> <p>4 Q. Do you know a gentleman by the name of Dan</p> <p>5 Fetter?</p> <p>6 A. No.</p> <p>7 Q. Mr. Resnick, if I understand your</p> <p>8 testimony this morning, the department that you</p> <p>9 mentioned, which was the men's clothing and the</p> <p>10 men's sport department, all things being equal</p> <p>11 required more work at the end of the day to clean</p> <p>12 up what had been taken out during the course of</p> <p>13 the day, restocked, reshelfed than the women's</p> <p>14 department or the home collection department,</p> <p>15 correct?</p> <p>16 A. That's fair to say, yes.</p> <p>17 Q. And so if I understand correctly, the</p> <p>18 normal course of events would be that the home</p> <p>19 collection sales associates would probably be the</p> <p>20 first to go clean up, and they would go through</p> <p>21 loss prevention and go home.</p> <p>22 A. Correct.</p> <p>23 Q. Probably women's would be second, they had</p> <p>24 a little bit more to do than the home collection</p> <p>25 but less to do than your department.</p>
Page 98	Page 100
<p>1 half the times that you were on site?</p> <p>2 MR. KITCHIN: Objection, calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: Let's say it occurred at</p> <p>5 least once every week.</p> <p>6 BY MR. GOINES:</p> <p>7 Q. I understood I asked you about your</p> <p>8 familiarity with the other stores. Do you have</p> <p>9 any familiarity of the physical layout of any of</p> <p>10 the other Polo Ralph Lauren stores, full price</p> <p>11 retail stores? Would that resonate would you?</p> <p>12 A. I really don't.</p> <p>13 Q. Okay. All right.</p> <p>14 Have you talked to Justin Kaiser about</p> <p>15 this lawsuit?</p> <p>16 A. Other than to acknowledge that there is a</p> <p>17 lawsuit, no.</p> <p>18 Q. Have you talked to Corinne Phipps about</p> <p>19 this lawsuit?</p> <p>20 A. No.</p> <p>21 Q. Janis Keefe, have you discussed this</p> <p>22 lawsuit with her?</p> <p>23 A. No.</p> <p>24 Q. And you did not know Ann Otsuka, correct?</p> <p>25 A. Don't know her.</p>	<p>1 A. Correct.</p> <p>2 Q. Okay. Now, as a general rule in your</p> <p>3 department, either men's clothing and men's sport,</p> <p>4 let me see if I can break those down into two</p> <p>5 piece.</p> <p>6 The men's clothing was actually on the</p> <p>7 same floor as the employee break room, locker room</p> <p>8 and exit, correct?</p> <p>9 A. That is correct.</p> <p>10 Q. As a general rule, when you were managing</p> <p>11 that department, would you have the one or two</p> <p>12 people who were staffing men's clothing come up</p> <p>13 and help do the cleanup in the men's sport before</p> <p>14 everybody would be excused for the day or would</p> <p>15 the people staffing men's clothing clean up that</p> <p>16 area, get things ready for the next day and then</p> <p>17 leave?</p> <p>18 A. Most of the time that was what you just</p> <p>19 described as of the situation.</p> <p>20 Q. Okay.</p> <p>21 A. The only time it varied was holiday time</p> <p>22 when I asked the clothing staff to come upstairs</p> <p>23 and help out.</p> <p>24 Q. You've mentioned holiday times a couple</p> <p>25 times this morning. I'd just like to bracket what</p>
Page 99	Page 101

26 (Pages 98 to 101)

certcert

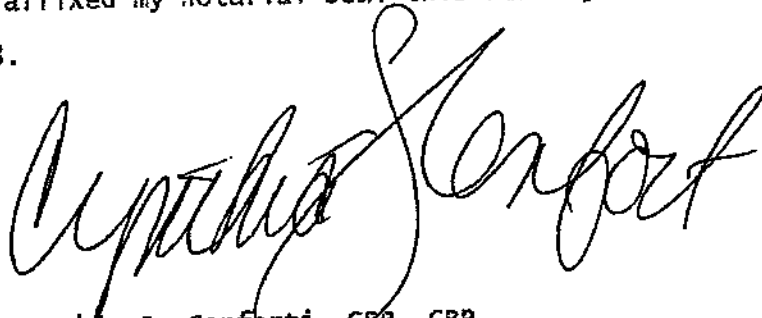
1 I further certify that the signature to the  
2 foregoing deposition was not waived by counsel for  
3 the respective parties.

4 I further certify that the taking of this  
5 deposition was pursuant to subpoena, and that  
6 there were present at the deposition the attorneys  
7 hereinbefore mentioned.

8 I further certify that I am not counsel for  
9 nor in any way related to the parties to this  
10 suit, nor am I in any way interested in the  
11 outcome thereof.

12 IN TESTIMONY WHEREOF: I have hereunto set my  
13 hand and affixed my notarial seal this 7th day of  
14 May, 2008.

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24  
25



Cynthia J. Conforti, CSR, CRR

Notary Public, Cook County, Illinois

CSR License No. 084-003064



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EXHIBIT 65.

Patrick R. Kitchen, Esq. (SBN. 162965)  
**THE LAW OFFICE OF PATRICK R. KITCHIN**  
 565 Commercial Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-677-9058  
 415-627-9076 (fax)

Attorneys for Plaintiffs  
 Janis Keefe, Corinne Phipps, and  
 Renee Davis

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFE, )	Case No.: C-07-02780-SI
an individual; CORINNE PHIPPS, an )	
individual; and RENEE DAVIS, an individual; )	
individually and on behalf of all others similarly )	DECLARATION OF ALLISON
situated, )	DANKBERG IN SUPPORT OF
)	PLAINTIFFS' MOTION FOR CLASS
)	CERTIFICATION
)	
vs. )	Date: July 11, 2006
)	Time: 9:00 a.m.
POLO RALPH LAUREN CORPORATION; a )	
Delaware Corporation; POLO RETAIL, LLC., a )	LOCATION: Courtroom 10, 19 <sup>th</sup> Floor
Delaware Corporation; POLO RALPH )	450 Golden Gate Avenue
LAUREN CORPORATION, a Delaware )	San Francisco, California 94102
Corporation, doing business in California as )	
POLO RETAIL CORP; and FASHIONS )	JUDGE: Hon. Susan Illston
OUTLET OF AMERICA, INC., )	
)	
Defendants. )	
)	
)	
)	

I, Allison Dankberg, declare:

1) I am a resident of San Diego County, California, and make this declaration based on my personal knowledge.

*Otsuka, et al. v. Polo, et al.*

Case No. C-07-02780-SI

DECLARATION OF ALLISON DANKBERG IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

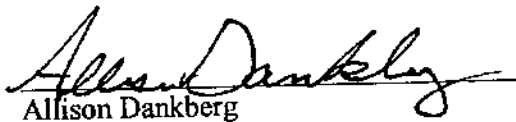
1           2) Between 2000 and 2004, I worked at the Polo Ralph Lauren Factory Store in  
2 Carlsbad, California.

3           3) When I was hired, I was told by people in management that I was not permitted to  
4 tell any other employee how much I was earning.

5           4) I understood that I was required to participate in "bag checks" or "loss prevention  
6 searches" before I could leave the store after the end of my shift.

7           5) When leaving for lunch, for breaks, or at the end of the day, I clocked out and then  
8 had to find a manager who could do the bag check at the employee exit. When leaving for a break,  
9 I actually ended up waiting for 5 to 10 minutes of that break to be searched and allowed to leave.  
10 This happened regularly. At closing time, I clocked out and would then wait about 15 to 20  
11 minutes before I was searched and allowed to leave the store. This happened after almost every  
12 shift. I was not paid for any of this waiting time.  
13

14 Signed under penalty of perjury under the laws of the State of California. Executed at San Diego,  
15 California, on May 29, 2008.

16  
17   
18 Allison Dankberg  
19  
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*Otsuka, et al. v. Polo, et al.*

Case No. C-07-02780-SI

DECLARATION OF ALLISON DANKBERG IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

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EXHIBIT 66.

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,  
12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;  
19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.  
23 /

24 DEPOSITION OF ROSALINDA WALLWORK  
25

26 DATE: November 13, 2007

27 TIME: 10:02 a.m.

28 LOCATION: 1900 University Avenue  
29 Fifth Floor  
30 East Palo Alto, California

31 REPORTED BY: Mary E. Garland  
32 Certified Shorthand Reporter  
33 License Number 4721  
34

Page 1

**Golden Gate Reporting**

<p>1 procedure?</p> <p>2 A. It was brief. I mean, it -- we didn't surround</p> <p>3 the whole meeting around it. It was just something that</p> <p>4 was mentioned, we put a system in place, and we moved on</p> <p>5 to the next topic.</p> <p>6 Q. Could you describe the new system that you</p> <p>7 referred to?</p> <p>8 A. We gave the stock manager keys. And,</p> <p>9 basically, he was in the back most of the time, so he</p> <p>10 was allowed keys to open and close the door.</p> <p>11 And even prior to that, we received shipments</p> <p>12 between one or 12 and four, so that door was constantly</p> <p>13 open, anyway, so. But now he had keys and it would --</p> <p>14 he could open the door, close the door.</p> <p>15 Q. And was he, prior to that change in policy --</p> <p>16 MR. GOINES: Objection -- oh.</p> <p>17 Q. BY MR. KITCHIN: -- was he permitted to --</p> <p>18 This is the? I'm sorry. Loading? What --</p> <p>19 A. The shipping department.</p> <p>20 Q. Shipping department manager? Prior to -- let</p> <p>21 me start a new question, clean it up.</p> <p>22 A. Okay.</p> <p>23 Q. Prior to the meeting in which loss prevention</p> <p>24 inspection procedures were discussed, did the shipping</p> <p>25 department manager have the authority to conduct loss</p>	<p>1 Q. And who made comments about the waiting time to</p> <p>2 leave the building?</p> <p>3 A. Well, there were no comments made about it, but</p> <p>4 there were some people that have said, "I've had to</p> <p>5 wait," you know, "for more than five minutes." So, I</p> <p>6 mean, it wasn't really discussed in great detail, that I</p> <p>7 remember.</p> <p>8 Q. Were there other topics discussed during the</p> <p>9 meeting where the loss prevention inspection issue was</p> <p>10 discussed relating to the claims in the lawsuit?</p> <p>11 A. No. We discussed putting a system in place so</p> <p>12 that people can come in and out, you know, perhaps</p> <p>13 quicker than, you know, we were getting the door.</p> <p>14 Like I said, it wasn't a meeting surrounding</p> <p>15 that. It was something we talked about, put the system</p> <p>16 in place, and moved on to the next topic. We didn't</p> <p>17 have a managers' meeting surrounding the lawsuit.</p> <p>18 Q. Prior to the meeting that we're discussing</p> <p>19 where loss prevention inspections was discussed, had you</p> <p>20 had any other meetings relating to any concerns about</p> <p>21 wait time to exit the building?</p> <p>22 A. No.</p> <p>23 Q. So that topic, based on your best recollection,</p> <p>24 was never discussed at any manager meeting prior to the</p> <p>25 meeting that we've been discussing?</p>
Page 26	Page 28
<p>1 prevention inspections of employees leaving the store?</p> <p>2 A. No.</p> <p>3 Q. Did the shipping manager have keys to the back</p> <p>4 door to turn the alarm off?</p> <p>5 A. Yes.</p> <p>6 Q. Earlier, I believe you testified that, after</p> <p>7 the meeting, he was given keys.</p> <p>8 A. Okay. He had keys, he was just not allowed to</p> <p>9 check people in and out.</p> <p>10 Q. I see. Was the shipping manager present at</p> <p>11 this meeting where loss prevention inspections were</p> <p>12 discussed?</p> <p>13 A. No.</p> <p>14 Q. What was the shipping manager's name?</p> <p>15 A. Oh. Chris. I don't remember his last name.</p> <p>16 Q. Do you know if he's still employed by Polo?</p> <p>17 A. Hmm. No, he is not.</p> <p>18 Q. And where does he work now?</p> <p>19 A. I have no idea.</p> <p>20 Q. During the meeting that you referred to where</p> <p>21 loss prevention inspections were discussed, did anyone</p> <p>22 make any comments at the meeting that, prior to that</p> <p>23 meeting, people were having to wait to exit the</p> <p>24 building?</p> <p>25 A. Yes.</p>	<p>1 A. No.</p> <p>2 Q. I'm going to get back to the loss prevention</p> <p>3 inspection --</p> <p>4 A. Sure.</p> <p>5 Q. -- but I want to move back now to the other</p> <p>6 discussions that you described or identified between</p> <p>7 you, and Mr. Hua, and Valerie Harrison.</p> <p>8 A. Mm-hm.</p> <p>9 Q. I can't remember the number you said, but it</p> <p>10 was more than one meeting where the lawsuit was</p> <p>11 discussed; correct?</p> <p>12 A. It was not a meeting. It was comments being</p> <p>13 made as we're closing down shop or making our final</p> <p>14 notes. And for me personally, mainly, was the</p> <p>15 discussion surrounding the time clock situation that I</p> <p>16 never brought to light. So that is really the most that</p> <p>17 I remember discussing this lawsuit. In fact, all of</p> <p>18 this is just shocking to me, so.</p> <p>19 That was the only serious conversation I had</p> <p>20 with the management team about the whole thing that I'd</p> <p>21 read in the paper, was that I probably should have</p> <p>22 mentioned that Justin was doing something weird with the</p> <p>23 time clock, but I didn't really know what it was. And</p> <p>24 after I was rest assured -- I was told that if he was</p> <p>25 doing something strange, that we would probably know,</p>
Page 27	Page 29

8 (Pages 26 to 29)

1 Q. Did you come to believe that the response time  
2 of managers, other than yourself, was too slow to  
3 requests to have bag checks performed?

4 MR. GOINES: Objection. Vague.

5 THE WITNESS: To get bag checks? I believe  
6 that people got checked pretty -- I mean, in a pretty  
7 reasonable time.

8 Q. BY MR. KITCHIN: The meetings in which the bag  
9 check procedure was discussed, I think you said in  
10 detail, did anyone suggest any different procedure to  
11 follow to expedite the exit by sales associates?

12 A. I think we changed -- we changed the policy a  
13 bit, where our stock supervisor would have access -- or  
14 could check them out. Again, it was a complaint that  
15 kept coming up. So that was one of the actions we took,  
16 we gave Chris the authority to check people in and out.

17 Q. How late did Chris work on most days?

18 A. Till five.

19 Q. What time did sales associates generally leave  
20 the building?

21 A. Six, 6:15, 6:30.

22 Q. So he wasn't there to check them out at the end  
23 of their shift, but was there to check them out during  
24 lunch breaks?

25 A. Yeah.

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1 A. Not sitting on the floor, but waiting by the  
2 door.

3 Q. And any of those times you came and there was  
4 more than one person waiting by the door, did any of  
5 the sales associates tell you how long they had been  
6 waiting?

7 A. Sometimes they would say they've been waiting  
8 there forever, or they've been back there, I mean, not  
9 specific times, but. When I was downstairs, it would  
10 literally take 15, 20 minutes to close out the  
11 department. So if anybody was working in any other  
12 department and, say, they left at six, and I'm closing  
13 out drawers or I'm doing management functions or money  
14 functions, it would take about 15 minutes for me to go  
15 from the back -- or from the department to the back.

16 So if they ever waited, it would have had to  
17 have been maybe 15 minutes -- 15 to 20 minutes, if, in  
18 fact, they were waiting that long. Because they would  
19 have to get their coat, clock out, get their bag.

20 So many a time, it just seemed exaggerated, the  
21 times that they said that they were waiting back there.  
22 I mean, it became so that it just -- it was just not --  
23 it didn't seem right that they had been waiting there  
24 the time that they said. And it was always the same  
25 people over, and over, and over again.

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1 Q. Was there any suggestion of any change in  
2 procedure that dealt specifically with expediting the  
3 exit of the building at the end of a sales associate's  
4 work shift?

5 A. We tried so many different things. I mean, we  
6 opened up the Home department for people to come back  
7 in, if they were coming back from their lunches, so they  
8 wouldn't have to wait. On Sundays, we let people go  
9 through Polo Sport, which is -- because the rest of the  
10 mall is closed. So, I mean, there were many ways to  
11 enter and leave the building.

12 Q. But were there any proposed changes to the  
13 practices or policies that related specifically to  
14 exiting at the end of a work shift at six, 6:15, or  
15 6:30?

16 A. No. Because we would have the managers back  
17 there. I mean, all three managers, at any different  
18 day, would be back there at the end of the night.

19 Q. At the end of a shift, did you ever go back to  
20 the back door and find more than one person waiting to  
21 get out of the store?

22 A. At the end of a shift? Sometimes.

23 Q. And sometimes did you go back there and there  
24 were people in the back of the hallway, sitting on the  
25 floor, waiting for a manager to come in?

Page 123

1 So, I mean, after awhile, it was just -- I  
2 didn't believe that they had been waiting back there for  
3 so long, or as long as they thought they were.

4 Q. Did anyone ever compliment you by comparing  
5 your quick response time to get to the back door to  
6 other managers' response time?

7 A. Yes.

8 Q. And who did they compare you to?

9 A. It depends on who it was.

10 Q. Did any sales associates tell you that certain  
11 managers took a long time to let them out at the end of  
12 their shift?

13 A. Yes.

14 Q. And which managers were referenced?

15 A. Valerie, sometimes.

16 Q. Any other managers that complaints were made  
17 about relating to letting associates out at the end of  
18 their shifts?

19 A. Sometimes Theresa. But I'm sure there were  
20 complaints about me when I didn't get their quick  
21 enough, so.

22 Q. Do you remember anyone specifically who said  
23 something to the effect of, "You always come quick.  
24 Everyone else is slow"?

25 A. Yeah. Or, yes.

Page 125

32 (Pages 122 to 125)



## 1 CERTIFICATION OF DEPOSITION OFFICER

2  
3 I, MARY E. GARLAND, duly authorized to administer  
4 oaths pursuant to Section 2093(b) of the California Code  
5 of Civil Procedure, do hereby certify that the witness  
6 in the foregoing deposition was duly sworn by me to  
7 testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of said witness was  
11 thereafter transcribed by means of computer-aided  
12 transcription under my direction; that the foregoing is

13 a full, complete and true record of said testimony; and  
14 that the witness was given an opportunity to read and  
15 correct said deposition and to subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Executed November 26, 2007, at San Francisco,  
22 California.

23  
24   
MARY E. GARLAND, CSR 4721  
25

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EXHIBIT 67.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANN OTSUKA, et al.,  
Plaintiff,

**CERTIFIED COPY**

-VS-

No. C07-02780 BZ

POLO RALPH LAUREN  
CORPORATION, a Delaware  
corporation, et al.

Defendants.  
\_\_\_\_\_ /

Videotaped Deposition of  
CORINNE PHIPPS  
Tuesday, June 12, 2007

Reported by:  
KACY PARKER BARAJAS, RPR, CRR  
CSR No. 10915  
Job No. 15854LR



**PHILLIPS LEGAL SERVICES**

SAN FRANCISCO DEPOSITION REPORTERS

ONE SUTTER STREET, SUITE 700  
SAN FRANCISCO, CA 94104  
1-888-333-8270  
WWW.PHILLIPSDEPO.COM

1 this?

2 Q. Right.

3 A. No. It's all mental.

4 Q. Okay. So bearing on your recollection of how --  
5 what I'm trying to find is a quantification of the number of  
6 days where you had to wait longer than a moment or two and  
7 then -- well, let me stop there.

8 A. Sure.

9 Q. Okay. How many -- can you quantify the number of  
11:10:00 10 occasions where you had to wait for a manager to be  
11 contacted to arrive at the exit door and be checked out?

12 A. Now we're only talking about checking out at night;  
13 is that correct?

14 Q. Yes, ma'am, yes.

15 A. That's it?

16 Q. Yeah.

17 A. I would probably say to my best recollection  
18 probably three times a week out of five.

19 Q. Okay.

20 A. That I would have to wait any -- in an upwards of a  
21 half an hour.

11:10:29 22 Q. And when you say three times a week wait upwards to  
23 a half an hour, was it always a half hour? Was it sometimes  
24 five minutes? I'm trying to get some recollection of how  
25 long this would take.

1 A. It would take anywhere -- my best guess -- and this  
2 is just wait time, not when a manager is standing right  
3 there; is that correct?

4 Q. Right.

5 A. Anywhere probably from ten minutes to a half an  
6 hour.

11:10:56 7 Q. And this would happen -- ten minutes to a half hour  
8 would happen three times a week checking out?

9 A. Very regularly, yes. That's my definition of  
10 happening regularly, at least three times a week checking  
11 out.

12 Q. You seem to want to make sure we're talking about  
13 checking out. Were there other occasions where you had to  
14 wait to either check in or check out?

15 A. Oh, yeah.

16 Q. Okay. Explain those to me, please, so I can  
17 inquire about those.

18 A. Okay. So when you had to check in at a certain --  
19 let's just say when you're starting your shift in the  
11:11:27 20 morning, this is -- actually, whenever you're starting your  
21 shift, now that I -- whenever you would start your shift,  
22 you would have to ring the doorbell to be let in. And if  
23 there was not a manager down in the area waiting or  
24 listening to a bell or on their lunch break or what have  
25 you, you would be waiting outside to come in to check in to

<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I certify that the witness in the foregoing</p> <p>4 deposition,</p> <p>5 CORINNE PHIPPS</p> <p>6 was by me duly sworn to testify in the within-entitled</p> <p>7 cause; that said deposition was taken at the time and place</p> <p>8 therein named; that the testimony of said witness was</p> <p>9 reported by me, a duly Certified Shorthand Reporter of the</p> <p>10 State of California authorized to administer oaths and</p> <p>11 affirmations, and said testimony was thereafter transcribed</p> <p>12 into typewriting.</p> <p>13 I further certify that I am not of counsel or</p> <p>14 attorney for either or any of the parties to said</p> <p>15 deposition, nor in any way interested in the outcome of the</p> <p>16 cause named in said deposition.</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>18 this 25th day of June, 2007.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 KACY PARKER BARAJAS, RPR</p> <p>23 Certified Realtime Reporter</p> <p>24 State of California</p> <p>25 Certificate No. 10915</p>	<p>1 PHILLIPS LEGAL SERVICES</p> <p>2 One Sutter Street, Suite 700</p> <p>3 San Francisco, California 94104</p> <p>4 (415) 601-4601</p> <p>5 GREENBERG TRAURG</p> <p>6 WILLIAM J. GOINES, ESQ.</p> <p>7 1900 University Avenue, Fifth Floor</p> <p>8 San Francisco, CA 94103</p> <p>9 Case Name: Ann Otsuka, et al. v. Polo Ralph Lauren</p> <p>10 Deposition of: Corinne Phipps</p> <p>11 Date Taken: June 12, 2007</p> <p>12 Dear Mr. Goines:</p> <p>13 We wish to inform you of the disposition of this original</p> <p>14 transcript. The following procedure is being taken by our</p> <p>15 office:</p> <p>16 _____ The witness has read and signed the</p> <p>17 deposition. (See attached.)</p> <p>18 _____ The witness has waived signature.</p> <p>19 _____ The time for reading and signing has</p> <p>20 expired.</p> <p>21 _____ The sealed original deposition is being</p> <p>22 forwarded to your office.</p> <p>23 _____ Other:</p> <p>24 Sincerely,</p> <p>25 Phillips Legal Services</p> <p>Ref No. 15854LR</p> <p>cc: Patrick R. Kitchin, Esq.</p>
---	--

Page 189

Page 191

<p>1 PHILLIPS LEGAL SERVICES</p> <p>2 One Sutter Street, Suite 700</p> <p>3 San Francisco, California 94104</p> <p>4 (415) 601-4601</p> <p>5 June 27, 2007</p> <p>6 Corinne Phipps</p> <p>7 c/o LAW OFFICE OF PATRICK R. KITCHIN</p> <p>8 565 Commercial Street, Fourth Floor</p> <p>9 San Francisco, CA 94111</p> <p>10 Re: Deposition of Corinne Phipps</p> <p>11 Case Name: Ann Otsuka, et al. v. Polo Ralph Lauren</p> <p>12 Deposition Date: June 12, 2007</p> <p>13 Dear Ms. Phipps:</p> <p>14 Your deposition has been prepared and is ready for you to</p> <p>15 read, correct, and sign. The original will be held in our</p> <p>16 office for 35 days from the date of this letter.</p> <p>17 If you are represented by an attorney, you may wish to</p> <p>18 discuss with your attorney the reading and signing of your</p> <p>19 deposition. If your attorney has purchased a copy of your</p> <p>20 deposition, you may review that copy. If you choose to read</p> <p>21 your attorney's copy, please fill out, sign, and submit to</p> <p>22 our office the DEPONENT'S CHANGE SHEET from the back of your</p> <p>23 deposition.</p> <p>24 If you choose to read your deposition at our office, it will</p> <p>25 be available between 9:00 a.m. and 4:00 p.m. Please bring</p> <p>this letter as a reference.</p> <p>If you do not wish to read your deposition, please sign</p> <p>below and return within 30 days of the date of this letter.</p> <p>_____ CORINNE PHIPPS DATE</p> <p>Sincerely,</p> <p>KACY PARKER BARAJAS, CSR No. 10915</p> <p>Phillips Legal Services</p> <p>Ref No. 15854LR</p> <p>cc: William J. Goines, Esq.</p>	<p>Page 190</p>
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48 (Pages 189 to 191)

REPORTER'S CERTIFICATE


I certify that the witness in the foregoing deposition,

CORINNE PHIPPS

was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of June, 2007.

  
KACY PARKER BARAJAS, RPR  
Certified Realtime Reporter  
State of California  
Certificate No. 10915

---

EXHIBIT 68.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual,  
et al.,

**CERTIFIED COPY**

Plaintiffs,

vs.

No. C-07-02780-SI

POLO RALPH LAUREN CORPORATION,  
et al.,

Defendants.

Videotaped Deposition of

JANIS KEEFE

Monday, March 17, 2008

Reported by:  
IRIS MEINKE-SMITH, RMR/CRR  
CSR No. 3798  
Job No. 18235LR



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1 A. I would say about 15 percent of the time  
2 there was a manager readily available.

3 Q. And --

4 A. Throughout my course of employment.

01:48:01 5 Q. Okay. And that would mean you would clock  
6 out, someone was readily available, do loss  
7 prevention search, go on to your business?

8 A. Right.

9 Q. Now, that means about 85 percent of the time  
01:48:14 10 there was a lag between your clocking out and your --  
11 someone being available to conduct a loss prevention  
12 search, right?

13 A. Yes.

14 Q. Okay. And on those occasions when you had  
01:48:34 15 to conduct -- so on those other occasions when a  
16 manager wasn't readily available, I take it you had  
17 to page someone to come down or come over to perform  
18 the search and allow you to exit the store?

19 A. Yes.

01:48:49 20 Q. Okay. And was there -- again, I'm trying to  
21 generalize a little bit. I try to be weary of that.

22 But was there a person who you normally  
23 looked to to page to conduct the loss prevention  
24 search when you were departing at the end of the day?

01:49:08 25 A. Not a particular manager. It was just

1 "Manager to the back door."

2 Q. Okay.

3 A. Basically.

4 Q. So you would get on the phone system and

01:49:17 5 say, "Manager to the back door. We want to leave."

6 A. Yes.

7 Q. Okay.

8 A. Or just "Manager to the back door." Not "We  
9 want to leave."

01:49:24 10 Q. They would understand.

11 A. Yeah, you weren't allowed to say that much.

12 Q. And in -- was there an average time on those

13 85 percent of the time occasions that you had to wait  
14 for a manager or someone authorized to perform the  
01:49:48 15 loss prevention search to come down to the back door,  
16 conduct a search and allow you to depart for the day?

17 A. I would say an average of about 15 to  
18 20 minutes.

19 Q. So as to those 85 percent of the time best  
01:50:10 20 estimate, you would wait an average of 15 to  
21 20 minutes for a manager to respond and conduct the  
22 bag and loss prevention search?

23 A. Yes.

24 Q. And did you keep any records or materials or  
01:50:34 25 information that would support the statement that on

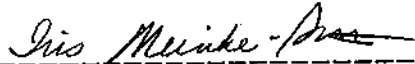
110

REPORTER'S CERTIFICATE

I certify that the foregoing proceedings in the within-entitled cause were reported at the time and place therein named; that said proceedings were reported by me, a duly certified shorthand Reporter of the State of California authorized to administer oaths and affirmations, and were thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said cause of action, nor in any way interested in the outcome of the cause named in said cause of action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of April, 2008.



IRIS MEINKE-SMITH, CA CSR No.3798  
Registered Merit Reporter  
Certified Realtime Reporter

---

EXHIBIT 69.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual,  
et al.,

**CERTIFIED COPY**

Plaintiffs,

vs.

No. C-07-02780-SI

POLO RALPH LAUREN CORPORATION,  
et al.,

Defendants.

Videotaped Deposition of

RENEE DAVIS

wednesday, March 19, 2008

Reported by:  
IRIS MEINKE-SMITH, RMR/CRR  
CSR No. 3798  
Job No. 18236LR



**PHILLIPS LEGAL SERVICES**

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(800) 455-8030 fax

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1 to understand is -- let me read something to you.

2 A. Okay.

3 Q. This is from the third amended complaint.

4 And it says, "When Ms. Davis worked the closing shift  
12:00:57 5 defendants, managers locked the store's exit door and  
6 then required Ms. Davis to clock out and wait at the  
7 store exit for a manager to check her person and  
8 personal effects to ensure she and the other  
9 employees were not attempting to steal merchandise.  
12:01:13 10 She was regularly required to wait ten to 15 minutes  
11 for the inspections after she had clocked out and was  
12 never compensated for that time."

13 That's what has been filed with the court.

14 And what I want to understand is, was it every day  
12:01:34 15 you waited ten to 15 minutes or -- I'm trying to  
16 understand with what level, what the normal checkout  
17 procedure was. Was there -- I'm just trying to  
18 understand the bases for what I've just read to you.

19 A. It didn't happen every day, but usually at  
12:01:56 20 closing time you're down to usually one manager, and  
21 that manager is in the back counting the tills. And  
22 he's the one who has to search you and -- before you  
23 can leave.

24 So at 10 o'clock when we're closing, you  
12:02:10 25 know, they've pulled the tills and they're in the

1 back counting the tills. And after maybe 15 minutes,  
2 you know, if not myself, somebody else would call and  
3 say, "Hey, you know, can somebody just let us out?"

4 "well, I'm busy. I can't leave the till,"  
12:02:24 5 that type of thing. Or "I'm on the phone." And...

6 Q. So I'm -- I'm really -- I'm not trying to  
7 put words in your mouth, but what I'm trying to  
8 understand is, was the issue of waiting more than a  
9 couple of minutes --

12:02:36 10 A. Yes.

11 Q. -- I'll get to that in a minute, normally,  
12 usually at the closing shift?

13 A. Yes.

14 Q. At the nonclosing shift, so when you didn't  
12:02:45 15 work a closing shift, because we had these staggered  
16 shifts, was there a normal amount of time that you  
17 would wait between clock-out, go get your coat, your  
18 bags, your goods and have someone check you out?

19 A. Maybe five or ten minutes.

12:02:59 20 Q. So every -- in my understanding, at the end  
21 of every shift, on a daily basis, regardless of the  
22 end of the shift, you waited five to ten minutes to  
23 be --

24 A. Yes.

12:03:11 25 Q. -- to have a loss prevention search?



1 And if I understand correctly, on the times  
2 when you worked the closing shift, it could be longer  
3 than five to ten minutes?

4 A. Yes.

12:03:26 5 Q. Was there an outside time?

6 A. What do you mean?

7 Q. What was the longest time you ever waited?

8 A. Over 30 minutes.

9 Q. How many times did that happen?

12:03:40 10 A. Several.

11 Q. Several can be three to five to me.

12 A. Okay. I'd maybe say anywhere from six to

13 eight.

14 Q. Okay. So --

12:03:54 15 A. Okay. Excuse me. Are we referring to the  
16 whole time I was there?

17 Q. Yes, ma'am.

18 A. Okay. Well, the over 30 minutes, maybe six  
19 to eight.

12:04:06 20 Q. And the closing shift was normally around  
21 15 minutes, if I understand correctly?

22 A. 15 to 30, depending.

23 Q. And the other shifts were five to ten?

24 A. Yes.

12:04:19 25 Q. And that's pretty consistent every day?

1 A. Yes.

2 Q. Did you ever register a complaint to any  
3 person in a managerial role at the Cabazon store  
4 about these wait times to have the loss prevention  
12:04:51 5 search conducted?

6 A. Verbally or in writing?

7 Q. Let's talk verbally first.

8 A. Every time it happened.

9 Q. So that would be every day?

12:05:00 10 A. Yes.

11 Q. To whom would you complain?

12 A. Any of the previous managers I mentioned

13 before: April, Stuart, Fred, Katilda. There were a  
14 couple of others, but I can't recall their names.

12:05:17 15 Q. I remember you couldn't recall their names.

16 A. Right.

17 Q. Okay. And what was their response?

18 A. Well, depending on who you were talking to,  
19 it would be, "Well, could you try to be more  
12:05:33 20 patient?" Some of them would say, "Well, you know,  
21 this is what's going on right now. You're going to  
22 have to wait."

23 And some of them could be kind of

24 condescending because they knew I was riding a bus

12:05:46 25 and I had to be out of there at a certain time. And


78

REPORTER'S CERTIFICATE

I certify that the foregoing proceedings in the within-entitled cause were reported at the time and place therein named; that said proceedings were reported by me, a duly certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and were thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said cause of action, nor in any way interested in the outcome of the cause named in said cause of action.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, 2008.

  
IRIS MEINKE-SMITH, CA CSR No.3798  
Registered Merit Reporter  
Certified Realtime Reporter

---

EXHIBIT 70.

COPY

1

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 -----x  
5 ANN OTSUKA, an individual; JANIS KEEFE, an  
6 individual; CORINNE PHIPPS, an individual;  
7 JUSTIN KISER, an individual; individually and  
8 on behalf of all others similarly situated, and  
9 RENEE DAVIS, an individual; individually and on  
10 behalf of all others similarly situated,

11 Plaintiffs,

12 -against-

13 POLO RALPH LAUREN CORPORATION; a Delaware  
14 Corporation; POLO RETAIL, LLC., a Delaware  
15 Corporation; POLO RALPH LAUREN CORPORATION, a  
16 Delaware Corporation, doing business in  
17 California as POLO RETAIL CORP; FASHIONS OUTLET  
18 OF AMERICA, INC., a Delaware Corporation,

19 Defendants,

20 Case No.: C-07-02780-SI

21 -----x

22 200 Park Avenue  
23 New York, New York

24 December 4, 2007  
25 10:18 a.m.

26 Videotaped Deposition of JUSTIN KISER,  
27 pursuant to notice, before Sophie Nolan, a  
28 Notary Public of the State of New York.

29 ELLEN GRAUER COURT REPORTING CO. LLC  
30 126 East 56th Street, Fifth Floor  
31 New York, New York 10022  
32 212-750-6434  
33 Ref: 86114

1 KISER

2 Q. So you're walking down to the  
3 employee exit and now you get there, right? Is  
4 there a manager there?

5 A. No.

6 Q. No. Can't you call a manager and  
7 say, "We're walking down to the exit, can you  
8 meet us at the exit"?

9 A. We had.

10 Q. Excuse me?

11 A. We had done that.

12 Q. You had done that.

13 A. And they would say, "Don't call us  
14 unless you're at the back door."

15 Q. Okay. So now you're at the back  
16 door and now you have to call the manager?

17 A. Yes.

18 Q. Okay. And how long does it take  
19 the manager to get there, on average?

20 A. 15, 20 minutes.

21 Q. That's on average?

22 A. Sometimes more. Yes.

23 Q. Now, is this an issue that's only  
24 affecting your department?

25 A. Yes.

1 KISER

2 got kind of got demoted to just women's -- I  
3 don't know, something she told me because her  
4 and Tin were having it out.

5 Then she -- Harvey left and then he  
6 told -- Tin told her to watch over as men's  
7 assistant, men's assistant sportswear, where I  
8 worked, and then as David came Rosalinda became  
9 David's assistant. David was men's department  
10 manager. Rosalinda was his assistant and then  
11 they hired a women's manager.

12 Q. So David ultimately stepped into  
13 the role that Harvey previously filled?

14 A. Yes.

15 Q. And when was that?

16 A. I really don't recall. Towards the  
17 end of my time at Polo.

18 Q. Were there any times when the bag  
19 check process took only a minute or two?

20 A. There were a handful of times.

21 Q. You mean a handful of times  
22 throughout your employment?

23 A. Yes, where it took maybe five  
24 minutes.

25 Q. Did it ever take a minute or two?

1 KISER

2 A. No.

3 Q. Never?

4 A. Never.

5 Q. Did it ever take three to four  
6 minutes?

7 A. Never.

8 Q. What about five to six minutes?

9 A. Yes.

10 Q. And how frequently was that?

11 A. A couple of times, maybe ten times

12 total, as I worked there a year.

13 Q. What about seven or eight minutes,  
14 how frequent was that?

15 A. Maybe 15 times.

16 Q. Okay. What was the longest that  
17 the bag check ever took?

18 A. Maybe 30 to 40 minutes.

19 Q. And what happened on that  
20 particular occasion?

21 A. Well, they heard a lot of huffing  
22 and puffing.

23 Q. By?

24 A. The associate, you know, what's  
25 going on, why does it take this long. I was in



C E R T I F I C A T E

STATE OF NEW YORK )

) ss.:

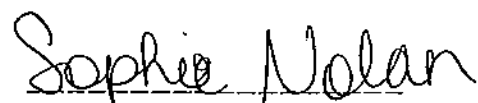
COUNTY OF NEW YORK )

I, SOPHIE NOLAN, a Notary Public  
within and for the State of New York, do  
hereby certify:

That JUSTIN KISER, the witness  
whose deposition is herein before set forth,  
was duly sworn by me and that such deposition  
is a true record of the testimony given by  
such witness.

I further certify that I am  
not related to any of the parties to this  
action by blood or marriage; and that I am in  
no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 17th day of December,  
2007.



SOPHIE NOLAN

---

EXHIBIT 71.

Patrick R. Kitchin, Esq. (SBN. 162965)  
**THE LAW OFFICE OF PATRICK R. KITCHIN**  
565 Commercial Street, 4<sup>th</sup> Floor  
San Francisco, CA 94111  
415-677-9058  
415-627-9076 (fax)

Attorneys for Plaintiffs  
Janis Keefe, Corinne Phipps and  
Renee Davis

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFE, ) Case No.: C-07-02780-SI  
an individual; CORINNE PHIPPS, an individual; )  
and RENEE DAVIS, an individual; individually )  
and on behalf of all others similarly situated, ) DECLARATION OF KATY FAWVER IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION

Plaintiffs, )  
vs. ) Date: July 11, 2008  
Time: 9:00 a.m.  
POLO RALPH LAUREN CORPORATION; a )  
Delaware Corporation; POLO RETAIL, LLC., a ) LOCATION: Courtroom 10, 19<sup>th</sup> Floor  
Delaware Corporation; POLO RALPH LAUREN ) 450 Golden Gate Avenue  
CORPORATION, a Delaware Corporation, doing ) San Francisco, California 94102  
business in California as POLO RETAIL CORP; )  
and FASHIONS OUTLET OF AMERICA, INC., ) JUDGE: Hon. Susan Illston  
Defendants. )

I, Katy Fawver, declare:

1) I am a resident of Shasta County, California, and make this declaration based on my personal knowledge.

2) During 2003 to 2005, I worked as a sales associate in the Anderson Polo Factory Outlet Store located at 1699 Highway 273, Anderson, California, in the Men's Department. I was

*Otsuka, et al. v. Polo, et al.*

Case No. C-07-02780-SI

DECLARATION OF KATY FAWVER IN SUPPORT OF MOTION FOR CLASS CERTIFICATION


1 initially hired as a part-time employee; at some point relatively soon after my hire, I worked as a  
2 full-time employee.

3 3) I missed nearly all of my rest breaks on a daily basis. Either my department was  
4 too busy for me to take breaks or I was discouraged by managers from taking rest breaks.

5 4) I regularly worked more than 8 hours in one day or more than 40 hours in one  
6 week. This unpaid overtime included time for the rest breaks I was not allowed to take and the  
7 times I was required to remain inside the store for the "bag checks" after I had clocked out for the  
8 day. I estimate that on a couple of days each week I had to wait for about 15 to 20 minutes after  
9 the end of my shift to have my bags checked by a manager before I could leave the store. I was  
10 instructed to clock out, and then find a manager who could perform the bag check at the employee  
11 exit. I was not paid at all for the time spent in the "bag checks." I certainly was not paid overtime  
12 for these hours or the hours when I did not get a rest break.

13 5) I was instructed by my managers and in the Polo employee handbook that I could  
14 not leave the Polo store at any time unless a manager performed a bag check on me at the  
15 employee exit. I understood I could be fired if I did not undergo a bag check before I left the store.

16  
17 Signed under penalty of perjury under the laws of the State of California. Executed at Redding,  
18 California, on May 15, 2008.

19  
20  
21   
22  
23  
24  
25  
26  
27  
28

---

EXHIBIT 72.

Patrick R. Kitchen, Esq. (SBN. 162965)  
**THE LAW OFFICE OF PATRICK R. KITCHIN**  
 565 Commercial Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-677-9058  
 415-627-9076 (fax)

Attorneys for Plaintiffs  
 Janis Keeffe, Corinne Phipps, and  
 Renee Davis

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFFE, )	Case No.: C-07-02780-SI
an individual; CORINNE PHIPPS, an )	
individual; and RENEE DAVIS, an individual; )	
individually and on behalf of all others similarly )	DECLARATION OF MEGAN
situated, )	GLASSMEYER IN SUPPORT OF
)	PLAINTIFFS' MOTION FOR CLASS
)	CERTIFICATION
)	
Plaintiffs, )	
vs. )	Date: July 11, 2006
)	Time: 9:00 a.m.
POLO RALPH LAUREN CORPORATION; a )	
Delaware Corporation; POLO RETAIL, LLC., a )	LOCATION: Courtroom 10, 19 <sup>th</sup> Floor
Delaware Corporation; POLO RALPH )	450 Golden Gate Avenue
LAUREN CORPORATION, a Delaware )	San Francisco, California 94102
Corporation, doing business in California as )	
POLO RETAIL CORP; and FASHIONS )	JUDGE: Hon. Susan Illston
OUTLET OF AMERICA, INC., )	
)	
Defendants. )	
)	
)	
)	
)	

I, Megan Glassmeyer, declare:

1) I am a resident of the State of Colorado, and make this declaration based on my personal knowledge.

*Otsuka, et al. v. Polo, et al.*

Case No. C-07-02780-SI

DECLARATION OF MEGAN GLASSMEYER IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

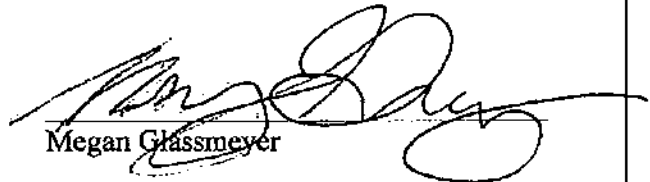
2) For about six months in 2002, I worked in the Polo Ralph Lauren Factory Outlet Store in Alpine, California.

3) When I was hired to work at this store, management employees informed me that I was not allowed to discuss my salary with any of my co-workers.

4) I was instructed by my managers and by the Polo employee handbook that I could not leave the Polo store at any time unless a manager performed a bag check on me at the employee exit. I understood I could be fired if I did not undergo a bag check before I left the store.

5) I was told to clock out at the end of my shift, and then I just had to stand around and wait with other employees until a manager checked our personal things before letting us leave the store. The managers would check everything, purses, bags, and even cups of liquid, such as coffee or soda. The bag checks sometimes felt like a police line-up. In general, I had to wait from 10 to 15 minutes after I had clocked out before I was checked and allowed to leave. I was not paid for this waiting time.

Signed under penalty of perjury under the laws of the State of California. Executed in the State of Colorado, on June 3rd, 2008.



Megan Glassmeyer

---

EXHIBIT 73.



Patrick R. Kitchin, Esq. (SBN. 162965)  
**THE LAW OFFICE OF PATRICK R. KITCHIN**  
 565 Commercial Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-677-9058  
 415-627-9076 (fax)

**Attorneys for Plaintiffs  
Janis Keefe, Corinne Phipps, and  
Renee Davis**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFE, ) Case No.: C-07-02780-SI  
an individual; CORINNE PHIPPS, an )  
individual; and RENEE DAVIS, an individual; )  
individually and on behalf of all others similarly )  
situated. )  
DECLARATION OF SAUNDRA  
NICHOLSON IN SUPPORT OF

**Plaintiffs,**  
**vs.**

POLO RALPH LAUREN CORPORATION; a Delaware Corporation; POLO RETAIL, LLC., a Delaware Corporation; POLO RALPH LAUREN CORPORATION, a Delaware Corporation, doing business in California as POLO RETAIL CORP; and FASHIONS OUTLET OF AMERICA, INC.,

**Defendants.**

) NICHOLSON IN SUPPORT OF  
) PLAINTIFFS' MOTION FOR CLASS  
) CERTIFICATION  
)  
) Date: July 11, 2006  
) Time: 9:00 a.m.

LOCATION: Courtroom 10, 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, California 94102

JUDGE: Hon. Susan Illston

**I, Sandra Nicholson, declare:**

1) I am a resident of Burbank, California, and make this declaration based on my personal knowledge.

1           2) Between approximately March 2004 to March 2006, I worked at the Polo Ralph  
2 Lauren store in Beverly Hills, California as a Customer Service Representative. I was hired as a  
3 full-time employee, and regularly worked five days each week.

4           3) I understood that I was not allowed to leave the store after clocking out (or for  
5 lunch) until a manager checked my belongings and those of my co-workers and then unlocked the  
6 door to let us leave the building after the end of our shifts. I was told and understood that this was  
7 one of the mandatory things that everyone had to do, including myself.

8           4) For these "loss prevention searches," I was required to wait near the store exit, after  
9 having clocked out, until my co-workers and the managers on duty finished their work. Gradually,  
10 we would gather there as a group and sit around, waiting for one of the managers to come back to  
11 the area, search our things, and let us leave the building. Sometimes, we gathered in the Men's  
12 Department, similarly waiting for the managers to finish their end-of-shift duties, find us, complete  
13 the search of each of us, unlock the back door, and let us go home. These checks, and the waiting,  
14 happened off the clock, and occurred just about every day that I was at work. On average, I  
15 estimate that I had to wait from 10 to 20 minutes after I had clocked out before I was permitted to  
16 leave. I hated waiting. I was not paid for any of this waiting time.

17  
18 Signed under penalty of perjury under the laws of the State of California. Executed at Burbank,  
19 California, on June 2, 2008.

20  
21   
22 Sandra Nicholson

---

EXHIBIT 74.

Patrick R. Kitchen, Esq. (SBN. 162965)  
**THE LAW OFFICE OF PATRICK R. KITCHIN**  
 565 Commercial Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-677-9058  
 415-627-9076 (fax)

Attorneys for Plaintiffs  
 Janis Keefe, Corinne Phipps and Renee Davis

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFE, ) Case No.: C-07-02780-SI  
 an individual; CORINNE PHIPPS, an )  
 individual; and RENEE DAVIS, an individual; )  
 individually and on behalf of all others similarly ) DECLARATION OF MARA APODACA IN  
 situated, ) SUPPORT OF PLAINTIFFS' MOTION FOR  
 ) CLASS CERTIFICATION

Plaintiffs,	)	Date: July 11, 2006
vs.	)	Time: 9:00 a.m.
	)	
POLO RALPH LAUREN CORPORATION; a	)	LOCATION: Courtroom 10, 19 <sup>th</sup> Floor
Delaware Corporation; POLO RETAIL, LLC., a	)	450 Golden Gate Avenue
Delaware Corporation; POLO RALPH	)	San Francisco, California 94102
LAUREN CORPORATION, a Delaware	)	
Corporation, doing business in California as	)	JUDGE: Hon. Susan Illston
POLO RETAIL CORP; and FASHIONS	)	
OUTLET OF AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

I, Mara Apodaca, declare:

1) I am a resident of Mammoth Lake, California, and make this declaration based on my personal knowledge.

1           2) Between approximately July 8, 2002 and April 20, 2006, I worked in the Mammoth  
2 Lakes Polo Factory Outlet Store. I was hired as a full-time employee.

3           3) I was frequently not able to take my rest breaks during my work shifts because I  
4 was too busy tending to customers and my other duties. I estimate that I missed both of my daily  
5 rest breaks at least 45% of the time when I worked in the Mammoth Lakes Store.

6           4) On many occasions I worked more than 8 hours in one day or more than 40 hours in  
7 one week, including my missed rest breaks and the times I was required to remain inside the store  
8 after I had clocked out for the day. When I had to stay late for a bag check, I was not paid at all  
9 for this time. I was definitely not paid overtime for these hours.

10          5) I was instructed by my managers and in the Polo employee handbook that I could  
11 not leave the Polo store at any time unless a manager performed a bag check on me. I understood I  
12 could be fired if I did not undergo a bag check before I left the store.

13          6) I was instructed to clock out, when leaving for lunch or at the end of the day, and  
14 then required to find a manager who could do the bag check at the employee exit. We were told  
15 by our managers to wait at the cash registers until one of them could check our bags. We had to  
16 wait no matter what. We could not leave the store until that check was done. I usually had to wait  
17 at least ten minutes after my shift, and sometimes waited 15 minutes or so after my shift had  
18 ended. This happened to me about 3 times each week I worked. I was not paid for any of this  
19 waiting time.

20 Signed under penalty of perjury under the laws of the State of California. Executed at Mammoth  
21 Lake, California, on May 15, 2008.

22  
23   
24 Mara Apodaca  
25  
26  
27  
28

---

EXHIBIT 75.

Patrick R. Kitchin, Esq. (SBN. 162965)  
**THE LAW OFFICE OF PATRICK R. KITCHIN**  
565 Commercial Street, 4<sup>th</sup> Floor  
San Francisco, CA 94111  
415-677-9058  
415-627-9076 (fax)

Attorneys for Plaintiffs  
Janis Keefe, Corinne Phipps, and  
Renee Davis

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ANN OTSUKA, an individual; JANIS KEEFE, ) Case No.: C-07-02780-SI  
an individual; CORINNE PHIPPS, an )  
individual; and RENEE DAVIS, an individual; )  
individually and on behalf of all others similarly ) **DECLARATION OF AMIR FILSOOF IN**  
situated, ) **SUPPORT OF PLAINTIFFS' MOTION FOR**  
CLASS CERTIFICATION

Plaintiffs,  
vs.

POLO RALPH LAUREN CORPORATION; a ) **LOCATION: Courtroom 10, 19<sup>th</sup> Floor**  
Delaware Corporation; POLO RETAIL, LLC., ) **450 Golden Gate Avenue**  
a Delaware Corporation; POLO RALPH ) **San Francisco, California 94102**  
LAUREN CORPORATION, a Delaware )  
Corporation, doing business in California as ) **JUDGE: Hon. Susan Illston**  
POLO RETAIL CORP; and FASHIONS )  
OUTLET OF AMERICA, INC., )  
Defendants.

I, Amir Filsoof, declare:

1. I am a resident of Orange County, California, and make this declaration based on my personal knowledge.
2. During 2005 and 2006, I worked as a Sales Associate in the Men's Department of the La Jolla, California, Polo Ralph Lauren store. During the summer of 2004, I worked as a

1 Sales Associate at the Palo Alto, California, Polo Ralph Lauren store in the Polo Sport  
2 Department.

3 3. During my employment at both Polo locations, I almost never took rest breaks. It was part  
4 of the culture that it was discouraged, given the demands of the work and the sales targets.  
5 In addition, staffing levels were sometimes insufficient to allow for breaks, due to the need  
6 to assist customers. I cannot remember ever taking a rest break.

7 4. There was also a policy that employees could not leave a Polo store unless a  
8 manager performed a bag check or "Loss Prevention Search" at the employee exit.  
9 I, too, was searched after almost every shift, and I understood that I could be fired if  
10 I did not undergo a search before I left the store. At both stores, almost every time I  
11 worked, I clocked out and was then required to wait at the back of the store for a  
12 manager to complete a Loss Prevention Search. The way it worked was that each

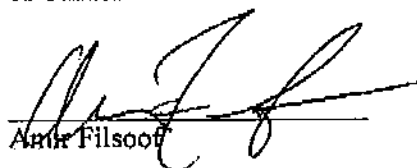
13 section of the store had to finish cleaning up for the day before anyone could leave.

14 If I finished up cleaning my section first, then I would go to help other sections,  
15 because everyone wanted to be able to go home as soon as possible. Often, then,  
16 myself and other associates who had finished cleaning their sections were at the  
17 back, waiting for others to finish cleaning or for managers to finish their duties  
18 before they came search us and allow us to leave. The smallest amount of time I  
19 had to wait was from 5 to 10 minutes. At least 50% of the days I worked, I waited  
20 15 to 20 minutes after I had clocked out before I was permitted to leave the  
21 building. People did get frustrated while waiting, saying things like, "It's Friday  
22 night. I want to go home."

23 5. I was not paid for missed rest breaks, nor was I paid for the time I spent waiting to  
24 be searched after clocking out, at either the La Jolla or the Palo Alto Polo stores.

25 Signed under penalty of perjury under the laws of the State of California.

26 DATED: May 29, 2008

27  
28   
Amir Filsoof



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EXHIBIT 76.

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,  
12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;  
19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants. /

23  
24  
25 DEPOSITION OF KRISTI MOGEL

26 DATE: February 4, 2008

27 TIME: 10:06 a.m.

28 LOCATION: Greenberg Traurig  
29 1900 University Avenue  
30 Fifth Floor  
31 East Palo Alto, California

32 REPORTED BY: Mary E. Garland  
33 Certified Shorthand Reporter  
34 License Number 4721  
35

Page 1

**Golden Gate Reporting**

<p>1 A. Seven.</p> <p>2 Q. And is there a loss prevention person there on</p> <p>3 each of those days?</p> <p>4 A. We just added a second position there; but for</p> <p>5 some time, it was only with one person. So, no. There</p> <p>6 were several days there was no one present.</p> <p>7 Q. And during the days when that person wasn't</p> <p>8 present, then managers would perform the loss prevention</p> <p>9 inspections?</p> <p>10 A. Yes. And during the days when they were</p> <p>11 present, managers would perform the loss -- the security</p> <p>12 inspection.</p> <p>13 Q. At the conclusion of the latest shift that</p> <p>14 works in the Beverly Hills store, to your knowledge, is</p> <p>15 a loss prevention or asset protection person generally</p> <p>16 on duty at that time?</p> <p>17 A. If they're scheduled. Again, it depends on</p> <p>18 their schedule and their shifts.</p> <p>19 Q. Does that mean that sometimes the asset</p> <p>20 protection person is there at the end of the final shift</p> <p>21 at the store and sometimes they're not?</p> <p>22 A. Correct.</p> <p>23 Q. Have you ever observed asset protection</p> <p>24 personnel performing loss prevention inspections in the</p> <p>25 Beverly Hills store?</p>	<p>1 Q. Are there any other stores that, since you</p> <p>2 began working for Polo, had on-site asset protection</p> <p>3 personnel?</p> <p>4 A. No. We have a regional asset protection</p> <p>5 manager who will rotate between stores at times, but</p> <p>6 that would not be his primary role.</p> <p>7 Q. Would you take a look at Exhibit 24, on page</p> <p>8 37, or Bates stamped 1538. The right-hand column is</p> <p>9 "General Security."</p> <p>10 A. Yes.</p> <p>11 Q. The third bullet point reads:</p> <p>12 "Bag checks must be performed anytime an</p> <p>13 employee leaves the store. Each employee must</p> <p>14 inform a manager that he or she is about to</p> <p>15 leave the store with a bag, box, or any other</p> <p>16 item used to carry merchandise. When the</p> <p>17 manager arrives, the employee should then punch</p> <p>18 out (for lunch or end of shift) and proceed to</p> <p>19 have all bags inspected by the manager before</p> <p>20 exiting the store."</p> <p>21 To your knowledge, is this procedure -- that</p> <p>22 is, an employee finding a manager before they clock out</p> <p>23 -- being followed in all of the stores over which you</p> <p>24 have some duties and responsibilities at this time?</p> <p>25 A. To my knowledge, I wasn't aware of this</p>
Page 154	Page 156
<p>1 A. Yes.</p> <p>2 Q. And where are those inspections performed?</p> <p>3 A. There are two public entrances and exits. It's</p> <p>4 in the back side of the building, facing the alley. We</p> <p>5 call that the valet entrance. That's where those are</p> <p>6 performed.</p> <p>7 Q. And in the Beverly Hills store, is that the</p> <p>8 only door, under normal circumstances, that an employee</p> <p>9 may enter or exit?</p> <p>10 A. Yes. Unless the alarm is set and the store's</p> <p>11 literally at closing mode; then everyone needs to leave</p> <p>12 out of the alarmed door.</p> <p>13 Q. And is that one of the other -- that's not the</p> <p>14 door that leads out to valet?</p> <p>15 A. Correct. It's a nonpublic door, and it's</p> <p>16 through the employee locker room.</p> <p>17 Q. So at the end of a business day, for those</p> <p>18 sales associates who are working that later shift and</p> <p>19 are closing the store, do they then exit out of this</p> <p>20 other door, not the valet door?</p> <p>21 A. No. The associates would primarily leave out</p> <p>22 of the valet door. It's the managers who stay well</p> <p>23 after the store closes to do any more remaining store-</p> <p>24 closing functions. So it's predominantly the management</p> <p>25 team that would leave out of the alarmed door.</p>	<p>1 terminology.</p> <p>2 Q. Prior to April 2007, to your knowledge, was it</p> <p>3 the policy or practice of any store over which you had</p> <p>4 some duties and responsibilities to have employees find</p> <p>5 a manager to perform a loss prevention inspection before</p> <p>6 they clocked out?</p> <p>7 A. Logistically, it would be difficult to do,</p> <p>8 because many times the computers where you can clock out</p> <p>9 are not near the exit. So, again, this is something</p> <p>10 that is new discussion for me right here today.</p> <p>11 Q. Has it been generally the practice in all of</p> <p>12 the California retail stores over which you have some</p> <p>13 duties and responsibilities for the sales associates to</p> <p>14 clock out prior to the time that they find a manager who</p> <p>15 is available to perform a loss prevention search?</p> <p>16 A. Yes. They would clock out, typically, collect</p> <p>17 their belongings, and leave the store.</p> <p>18 Q. Have you ever learned from any source, other</p> <p>19 than perhaps counsel in this action, that employees of</p> <p>20 Polo Ralph Lauren in California had complained that they</p> <p>21 were being required to wait what they believed was an</p> <p>22 unreasonable amount of time to have loss prevention or</p> <p>23 bag check inspections performed at the end of their</p> <p>24 shifts?</p> <p>25 A. No, I don't recall any formal complaints around</p>
Page 155	Page 157

40 (Pages 154 to 157)

1 CERTIFICATION OF DEPOSITION OFFICER  
2

3 I, MARY E. GARLAND, duly authorized to administer  
4 oaths pursuant to Section 2093(b) of the California Code  
5 of Civil Procedure, do hereby certify that the witness  
6 in the foregoing deposition was duly sworn by me to  
7 testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of said witness was  
11 thereafter transcribed by means of computer-aided  
12 transcription under my direction; that the foregoing is

13 a full, complete and true record of said testimony; and  
14 that the witness was given an opportunity to read and  
15 correct said deposition and to subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Executed February 12, 2008, at San Francisco,  
22 California.

23   
24 MARY E. GARLAND, CSR 4721  
25

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**EXHIBIT 77.**

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,

12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;

19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.  
23 /

24  
25 DEPOSITION OF VALERIE ANN HARRISON

26 DATE: August 10, 2007

27 TIME: 10:08 a.m.

28 LOCATION: 120 Kearny Street  
29 Suite 3200  
30 San Francisco, California

31 REPORTED BY: Mary E. Garland  
32 Certified Shorthand Reporter  
33 License Number 4721  
34

Page 1

**Golden Gate Reporting**

<p>1 discussion with your sales associates regarding loss</p> <p>2 prevention inspection procedures that are laid out on</p> <p>3 this page of the exhibit?</p> <p>4 A. No.</p> <p>5 Q. Did you notice a change in the behavior of your</p> <p>6 sales associates with respect to leaving the store?</p> <p>7 A. No.</p> <p>8 Q. Between the time that this policy was rolled</p> <p>9 out and the time that you left Polo, was it the practice</p> <p>10 of your associates to come and find you and say, "I'm</p> <p>11 ready to go to lunch. Can you check me out," and then</p> <p>12 punch out at the register?</p> <p>13 A. They would not necessarily come and find me,</p> <p>14 no.</p> <p>15 Q. As I understand it, you might be approached by</p> <p>16 an associate from Men's Sports or something?</p> <p>17 A. Sure.</p> <p>18 Q. Because you're a manager and you can check them</p> <p>19 out?</p> <p>20 A. That's correct.</p> <p>21 Q. Did you find the behavior of the sales</p> <p>22 associates, just in general, who were seeking you out to</p> <p>23 do the bag inspections had now moved to be in compliance</p> <p>24 with this new directive that you find a manager before</p> <p>25 you punch out?</p>	<p>1 employee manual was rolled out, did anyone discuss a new</p> <p>2 procedure for recording sales associates' hours worked?</p> <p>3 That's a terrible way to ask this. I'm going</p> <p>4 to strike that question.</p> <p>5 After this new manual was rolled out, were</p> <p>6 sales associates required to write down on some form all</p> <p>7 the hours that they worked when they clocked in, clocked</p> <p>8 out, and so forth?</p> <p>9 A. Write down? No.</p> <p>10 Q. No. On page 1557, in the left-hand column,</p> <p>11 paragraph begins, "To ensure that accurate time records</p> <p>12 are kept, you must accurately complete a time sheet and</p> <p>13 forward it to your supervisor."</p> <p>14 Did that start happening in the store after</p> <p>15 this policy was rolled out?</p> <p>16 A. No.</p> <p>17 Q. So from the time that this policy was rolled</p> <p>18 out to the time you left Polo, did any of your sales</p> <p>19 associates bring you time sheets for you to do something</p> <p>20 with?</p> <p>21 A. No, not -- I mean, unless they had a change.</p> <p>22 That's the only form that they would have to bring us.</p> <p>23 Q. Was it discussed at the meeting when this</p> <p>24 manual was rolled out anything about having employees</p> <p>25 write down their own hours?</p>
Page 170	Page 172
<p>1 A. So that would have meant they would have come</p> <p>2 and found me, and then they would have gone and clocked</p> <p>3 out?</p> <p>4 Q. Yes.</p> <p>5 A. Not that I noticed.</p> <p>6 Q. You never saw anyone do that during the period</p> <p>7 of time you were there when this policy was in effect?</p> <p>8 A. No.</p> <p>9 Q. If you would turn to 1556, the section entitled</p> <p>10 "Your Pay." One of the issues addressed in this new</p> <p>11 manual is set out in about the fourth paragraph under</p> <p>12 "How You Are Paid," and it begins:</p> <p>13 "Exempt employees are not eligible for</p> <p>14 overtime. Non-exempt employees are eligible</p> <p>15 for overtime and are paid for those hours</p> <p>16 worked through the previous two weeks.</p> <p>17 Commissioned employees are subject to</p> <p>18 special rules and procedures in accordance with</p> <p>19 applicable law and should contact their human</p> <p>20 resources representative for further details."</p> <p>21 Was the issue of premium overtime compensation</p> <p>22 discussed in the meeting in which this policy manual was</p> <p>23 rolled out?</p> <p>24 A. Not that I recall.</p> <p>25 Q. In the management meeting in which the 2007</p>	<p>1 A. Not that I recall.</p> <p>2 (Brief recess taken.)</p> <p>3 (Exhibit 25 marked for identification.)</p> <p>4 Q. BY MR. KITCHIN: I've handed you what I've</p> <p>5 marked as Exhibit 25, which is the personnel file that</p> <p>6 we were provided on Corinne Mullen, or Corinne Phipps,</p> <p>7 from Polo Ralph Lauren.</p> <p>8 You were serving as the manager of Home</p> <p>9 Collections when Corinne Phipps was hired; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And did you interview with her or interview her</p> <p>13 before she was hired?</p> <p>14 A. Yes.</p> <p>15 Q. And did you interview her on one occasion or</p> <p>16 was it a multiple-meeting interview?</p> <p>17 A. I don't recall if I was in any of the other</p> <p>18 interviews that she was in. You usually have to go on</p> <p>19 more than, obviously, one with different people. It was</p> <p>20 at least once.</p> <p>21 Q. And do you know whether Corinne Phipps was</p> <p>22 seeking to obtain a position at Polo in Home Collections</p> <p>23 or just a position at Polo?</p> <p>24 A. I don't recall. She did have home background.</p> <p>25 Q. And eventually a decision was made to hire her;</p>
Page 171	Page 173

44 (Pages 170 to 173)


1 CERTIFICATION OF DEPOSITION OFFICER  
2

3 I, MARY E. GARLAND, duly authorized to administer  
4 oaths pursuant to Section 2093(b) of the California Code  
5 of Civil Procedure, do hereby certify that the witness  
6 in the foregoing deposition was duly sworn by me to  
7 testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of said witness was  
11 thereafter transcribed by means of computer-aided

12 transcription under my direction; that the foregoing is  
13 a full, complete and true record of said testimony; and  
14 that the witness was given an opportunity to read and  
15 correct said deposition and to subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Executed August 15, 2007, at San Francisco,  
22 California.

23  
24   
25 MARY E. GARLAND, CSR 4721



---

**EXHIBIT 77(a)**

## Golden Gate Reporting

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,

12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;  
19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.  
23 /

24 DEPOSITION OF PHOEBE MIRELES  
25

DATE: November 15, 2007

TIME: 10:15 a.m.

LOCATION: One Montgomery Street  
Suite 3220  
San Francisco, California

REPORTED BY: Mary E. Garland  
Certified Shorthand Reporter  
License Number 4721

Page 1

**Golden Gate Reporting**

<p>1 of time to have a manager do a bag check so that they 2 could leave for their lunch break? 3 A. No. 4 Q. So you never heard that complaint -- 5 A. No. 6 Q. -- while you were working there? 7 A. Not an unreasonable amount of time, no. But 8 what's unreasonable? 9 Q. Well, my question is: Did you ever hear from 10 any source that an employee, an associate, had 11 complained that they felt that they had had to wait for 12 some unreasonable period of time to get out of the store 13 to have their lunch? 14 A. No. 15 Q. I'd like to shift topics here a bit and talk 16 about the rest breaks that employees, sales associates, 17 received while they worked at Polo at Stanford. 18 A. Yes. 19 Q. What breaks did a full-time employee get during 20 a full-day shift? 21 A. They got two 15-minute breaks and one hour 22 lunch break. The two 15-minute breaks were on the 23 clock, the hour lunch break was off the clock. 24 Q. Did you ever hear from any source, during the 25 time you worked at the Polo Stanford Shopping Center,</p> <p style="text-align: right;">Page 62</p>	<p>1 direct complaint or concern to me. 2 Q. Let me ask this question: You learned through 3 other managers that some sales associates had complained 4 to them that they were not getting their 15-minute 5 breaks for some reason? 6 A. Right. 7 Q. On how many occasions did you learn that such 8 complaints had been made? 9 A. Very few. 10 Q. Do you have an estimate? 11 A. I don't have an estimate. And I can't recall 12 when it would have happened, but I'm sure it did. And 13 we would try to accommodate them. 14 Q. Throughout the time that you worked at the 15 Stanford Shopping Center, did you ever become aware that 16 Polo had paid any sales associate any additional wages 17 for missing one of their rest breaks? 18 A. No. 19 Q. Throughout the course of your employment for 20 Polo, did you discuss with anyone the California 21 requirements relating to the payment of wages to 22 employees who missed rest breaks? 23 A. No, not that I can recall. 24 Q. Other than what you may have learned through 25 Polo's attorneys, are you aware that employees who miss</p> <p style="text-align: right;">Page 64</p>
<p>1 that sales associates were not taking either of their 2 15-minute breaks? 3 A. Some chose not to. They would rather stay on 4 the sales floor and sell. 5 Q. Do you have any recollection of which sales 6 associates chose not to take their 15-minute breaks? 7 A. No, I don't. 8 Q. Do you have an estimate for me of the 9 percentage of sales associates, over the course of your 10 employment, that you believe chose not to take their 11 15-minute breaks? 12 A. Oh, very few, small percentage. I would say 13 less than ten. Most of the people chose to take their 14 15s. And I encouraged it when I was the manager. 15 Q. Did you ever hear anyone complain that they 16 had been unable to take their 15-minute break for any 17 reason? 18 A. I wouldn't say a -- nothing directly to me. 19 Possibly to their -- well, while I was a GM. Possibly 20 to their department managers. And this was scheduled 21 within the departments, as long as there was coverage, 22 as long as it was at a reasonable time. 23 They couldn't go from 8:45 to nine o'clock, 24 when we're going to close at nine, let's just say. It 25 just -- it would depend, yeah. But not a personal or</p> <p style="text-align: right;">Page 63</p>	<p>1 rest breaks are entitled to receive an additional one 2 hour of compensation for that rest break that's missed? 3 MR. GOINES: Objection. Mischaracterizes the 4 law in the State of California. She can answer to the 5 best of her knowledge. 6 THE WITNESS: I'm not aware of that, no. 7 Q. BY MR. KITCHIN: While you were working at the 8 Stanford Shopping Center for Polo, did you become aware 9 of any sales associates who were paid premium overtime, 10 that is, time and a half, for any hours worked in excess 11 of eight hours per day or 40 hours per week? 12 A. Not that I can recall. 13 Q. Was there a policy at Polo Ralph Lauren, at any 14 period of time that you worked at the Stanford Shopping 15 Center, that the company did not pay premium overtime 16 compensation to any sales associates? 17 A. Not that I can recall. 18 Q. On occasion, did managers at the Stanford 19 Shopping Center Polo store have management meetings to 20 discuss business? 21 A. Yes. 22 Q. Were those regularly scheduled? 23 A. Yes. 24 Q. How often did those meetings occur while you 25 were employed at the Stanford Shopping Center?</p> <p style="text-align: right;">Page 65</p>

17 (Pages 62 to 65)

## 1 CERTIFICATION OF DEPOSITION OFFICER

2  
3 I, MARY E. GARLAND, duly authorized to administer  
4 oaths pursuant to Section 2093(b) of the California Code  
5 of Civil Procedure, do hereby certify that the witness  
6 in the foregoing deposition was duly sworn by me to  
7 testify to the truth, the whole truth and nothing but  
8 the truth in the within-entitled cause; that said  
9 deposition was taken at the time and place therein  
10 stated; that the testimony of said witness was  
11 thereafter transcribed by means of computer-aided  
12 transcription under my direction; that the foregoing is

13 a full, complete and true record of said testimony; and  
14 that the witness was given an opportunity to read and  
15 correct said deposition and to subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Executed November 26, 2007, at San Francisco,  
22 California.

23  
24   
25 MARY E. GARLAND, CSR 4721

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EXHIBIT 78.

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
7 PHIPPS, an individual; and  
8 JUSTIN KISER, an individual;  
9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,  
12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;  
19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.  
23 /

24  
25 DEPOSITION OF ROSALINDA WALLWORK

26 DATE: November 13, 2007

27 TIME: 10:02 a.m.

28 LOCATION: 1900 University Avenue  
29 Fifth Floor  
30 East Palo Alto, California

31 REPORTED BY: Mary E. Garland  
32 Certified Shorthand Reporter  
33 License Number 4721  
34  
35

Page 1

**Golden Gate Reporting**

<p>1 A. Yes.</p> <p>2 Q. And was that on more than one occasion?</p> <p>3 A. I mean, I don't remember. We -- that was a</p> <p>4 huge topic. We talked about it quite bit, actually,</p> <p>5 because there were so many complaints that would come</p> <p>6 about, so.</p> <p>7 Q. Same question with respect to Valerie Harrison.</p> <p>8 Were there times where you actually observed a</p> <p>9 discussion or a comment being made about exiting and</p> <p>10 entering the building when Valerie Harrison was present?</p> <p>11 A. Yes.</p> <p>12 Q. On more than one occasion?</p> <p>13 A. Possibly.</p> <p>14 Q. While you were working at Polo, were sales</p> <p>15 associates entitled, under Polo's policy, to receive two</p> <p>16 15-minute breaks each day that they worked a full-time</p> <p>17 shift?</p> <p>18 A. Yes.</p> <p>19 Q. So they were entitled to a morning 15-minute --</p> <p>20 A. Mm-hm. A lunch break.</p> <p>21 Q. -- an hour lunch, and then an afternoon</p> <p>22 15-minute break?</p> <p>23 A. Yes.</p> <p>24 Q. Did all of the sales associates that you worked</p> <p>25 with in your departments, to your knowledge, take all of</p>	<p>1 A. We had a daily break sheet, where we broke down</p> <p>2 when people took their meal breaks.</p> <p>3 Q. Was it just the meal breaks on the daily sheet?</p> <p>4 A. The meal breaks. And when I worked in Men's,</p> <p>5 which is a larger department, people would sign up for</p> <p>6 15s, as well. Because they'd like to go like at a</p> <p>7 certain time, like at 11, or they'd like to go at four</p> <p>8 in the afternoon, so they would sign up for breaks.</p> <p>9 Q. Was that a form that was kept on a computer</p> <p>10 or --</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember if it was an Excel file or --</p> <p>13 A. It was a Word document, very simple.</p> <p>14 Q. Did it have a table with columns and rows?</p> <p>15 A. The first one did, and the second one didn't.</p> <p>16 Because we liked to update the sheet, because it also</p> <p>17 had other information on there. It had like daily goals</p> <p>18 or customers that were coming in.</p> <p>19 Q. So when you were in the Men's department, you</p> <p>20 used --</p> <p>21 A. I think that was Excel, because -- and when we</p> <p>22 were in Ladies', it was a Word document, because it was</p> <p>23 more -- just more information on it.</p> <p>24 Q. And both in the Ladies' department and in the</p> <p>25 Men's department, break times were pencilled in?</p>
Page 142	Page 144
<p>1 their rest breaks?</p> <p>2 A. Yes.</p> <p>3 Q. Were there any sales associates that you worked</p> <p>4 specifically with that you were aware were not taking</p> <p>5 either their morning or afternoon break, so that they</p> <p>6 could sell more?</p> <p>7 A. The only time that someone might not take their</p> <p>8 break is if they had an appointment.</p> <p>9 Q. An appointment with a customer?</p> <p>10 A. Yes.</p> <p>11 Q. Were you aware of times where a person wasn't</p> <p>12 able to take one of their 15-minute breaks because of an</p> <p>13 appointment with a customer?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember specific instances of that or</p> <p>16 do you just have a general recollection of that?</p> <p>17 A. I can think of maybe one instance where someone</p> <p>18 maybe didn't take their breaks. I mean, in the</p> <p>19 departments I worked in, breaks were taken. I mean, I</p> <p>20 can't think of one person that did not take their</p> <p>21 breaks.</p> <p>22 Q. Did you, as assistant manager key holder, or</p> <p>23 manager, keep any kind of written notes as to when a</p> <p>24 person within your department would be taking their rest</p> <p>25 breaks?</p>	<p>1 A. Not so much the breaks, but the lunch breaks.</p> <p>2 Q. But in the Men's department, people would sign</p> <p>3 up for specific allotments of 15-minute breaks?</p> <p>4 A. At times. It wasn't practiced all the time;</p> <p>5 but at times when people had something to do, they would</p> <p>6 say, "I need to run out and," you know, "do something on</p> <p>7 my break," so we would write it down. But it wasn't --</p> <p>8 sometimes you had appointments, so it was very hard to</p> <p>9 gauge when you could go on your 15.</p> <p>10 Q. Was it Polo's policy, during the whole time</p> <p>11 that you worked there, that employees were not permitted</p> <p>12 to leave the building during their 15-minute breaks?</p> <p>13 A. No. You can leave the building whenever.</p> <p>14 Q. Did you ever hear any complaints that were</p> <p>15 being made by any sales associates, in any department at</p> <p>16 Polo San Francisco, that they weren't taking their</p> <p>17 15-minute rest breaks?</p> <p>18 A. No.</p> <p>19 Q. In any management meetings that you</p> <p>20 participated in, was rest breaks, as a problem area,</p> <p>21 ever discussed?</p> <p>22 A. No. Just the time clock situation, where</p> <p>23 people would forget to come in and out. We would just</p> <p>24 assume that there could be an issue, but --</p> <p>25 Q. With respect to rest breaks, employees didn't</p>
Page 143	Page 145

37 (Pages 142 to 145)


1 CERTIFICATION OF DEPOSITION OFFICER  
2

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4 oaths pursuant to Section 2093(b) of the California Code  
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21 Executed November 26, 2007, at San Francisco,  
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24 MARY E. GARLAND, CSR 4721  
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**EXHIBIT 79.**

**Golden Gate Reporting**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
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5 ANN OTSUKA, an individual; JANIS No. C-07-02780-SI  
6 KEEFE, an individual; CORINNE  
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9 individually and on behalf of  
10 all others similarly situated,

11 Plaintiffs,

12 vs.

13 POLO RALPH LAUREN CORPORATION;  
14 a Delaware Corporation; POLO  
15 RETAIL, LLC, a Delaware Corporation;  
16 POLO RALPH LAUREN CORPORATION, a  
17 Delaware Corporation, doing business  
18 in California as POLO RETAIL CORP;

19 FASHIONS OUTLET OF AMERICA, INC., a  
20 Delaware Corporation and DOES 1-500,  
21 inclusive,

22 Defendants.  
23 /

24 DEPOSITION OF PHOEBE MIRELES  
25

DATE: November 15, 2007

TIME: 10:15 a.m.

LOCATION: One Montgomery Street  
Suite 3220  
San Francisco, California

REPORTED BY: Mary E. Garland  
Certified Shorthand Reporter  
License Number 4721

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**Golden Gate Reporting**

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